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COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

COMMONWEALTH OF MASSACHUSETTS

vs. Docket No:
2011-0140

DAVID T. CHALUE,

JURY IMPANELMENT - IMPANELMENT
BEFORE THE HONORABLE C. JEFFREY KINDER

APPEARANCES:

For the **Commonwealth:**

Berkshire County District Attorney's Office
7 North Street, P.O. Box 1969, Pittsfield, MA 01202
By: DAVID F. CAPELESS, ASSISTANT DISTRICT ATTORNEY
PAUL CACCAVIELLO, FIRST ASSISTANT DISTRICT ATTORNEY
GREGORY BARRY, ASSISTANT DISTRICT ATTORNEY

For the Defendant **DAVID T. CHALUE (2011-0140):**

By: DONALD W. FRANK, ESQUIRE, FRANK LAW OFFICES, 95 State
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BONNIE G. ALLEN, ESQUIRE, 39 Main Street, Suite 8,
Northampton, MA 01060
and MEREDITH RYAN, ESQUIRE

Hampden Superior Court
50 State Street
Springfield, Massachusetts
April 22, 2014

ALICIA CAYODE KYLES
Official Court Stenographer
Registered Merit Reporter

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EXHIBITS

PAGE

(No exhibits were marked.)

1 (The Court entered at 9:00 a.m.)

2 THE CLERK: This is the matter of Commonwealth vs.
3 David T. Chalue, Docket 2011-140.

4 THE COURT: Counsel, good morning.

5 MR. CAPELESS: Good morning.

6 THE COURT: I am mindful of the fact we have the jurors
7 waiting in fairly cramped quarters. I would like to start
8 the selection process as quickly as we can.

9 I have a -- I have a couple of motions I received from
10 Mr. Frank. I will act on the ex parte motions for funds at
11 the break. There's also a motion to continue the trial
12 which looks identical -- let me wait for Mr. Chalue.

13 MR. FRANK: Okay. I think I can tell you now, it is
14 the same motion. It's just the hand-delivered copy. I have
15 your decision on that.

16 (Pause)

17 (The defendant was present at 9:03 a.m.)

18 THE COURT: The record should reflect the defendant is
19 now present.

20 We are here to address preliminary matters of --
21 regarding commencement of jury selection and trial.

22 I have received from the defendant a motion to continue
23 the trial, which is a hard-copy original of a motion filed
24 last week. The motion is denied for the same reasons
25 articulated in my April 18 memorandum of decision.

1 As I said earlier, I will act on the ex parte motions
2 for funds at the break. There's also a motion for
3 statements of Commonwealth witness referring specifically to
4 Mr. Cashman.

5 Is that something you wish to be heard on, Mr. Frank?

6 MR. FRANK: Yes, Your Honor. It only refers to the --
7 you know that we have recently come into information about
8 Mr. Cashman having been subjected to a polygraph test. And
9 in the report that's attached, which I think you reviewed
10 with regard to the other report, it indicates there is some
11 conversation between an officer from -- I believe from the
12 State Trooper or somebody and the witness Mr. Cashman. And
13 really that is designed for that -- it is designed for that,
14 whatever conversation happened between Mr. Cashman and that
15 person regarding to the polygraph. I think we are entitled
16 to that information.

17 THE COURT: By "that person" you mean a representative
18 of the Commonwealth?

19 MR. FRANK: Yes.

20 THE COURT: Mr. Capeless has earlier suggested that
21 beyond the polygraph report itself, the Commonwealth is not
22 in possession of any statements and that no statements were
23 made to any Commonwealth representative.

24 Is that accurate, Mr. Capeless?

25 MR. CAPELESS: It is, Your Honor. I also have not been

1 provided with this motion.

2 MR. FRANK: I apologize.

3 THE COURT: All right. Well, then, let's defer on this
4 until such time as Mr. Capeless has had an opportunity to
5 read it.

6 Are there any preliminary matters to address before we
7 bring the jurors into the room for purposes of my
8 introduction of the case to them?

9 MR. FRANK: Yes, Your Honor. I think that I would like
10 to have some discussion about the nature of the questions
11 that are going to be asked regarding the jury and what I am
12 particularly concerned with is an examination in regard to
13 the -- in regard to the exposure to the media.

14 And I do have your individual question, your individual
15 voir dire. I don't believe I have received the questions
16 that you would be asking to the general group.

17 THE COURT: Well, they are statutory and I assumed that
18 you didn't need to receive those from me.

19 MR. FRANK: No, not at all. Not at all. And so, I
20 would ask then that the questions that have been listed as
21 motion for jury voir dire, written questions, be asked to
22 the jury pool, asked for them in a written fashion.

23 I had frankly borrowed them -- somewhat -- from
24 Attorney -- from Mr. Hall's trial. I knew that you denied
25 that. It's truncated. It's much shorter and it's more

1 pointed to flesh out any exposure that any juror might have,
2 given an opportunity to think about the kind of exposure.
3 And it's a real and big issue in this case. And I would ask
4 that this be asked to the jury generally.

5 THE COURT: All right. I have previously reviewed your
6 motion for written questions and for the same reasons that I
7 denied the motion in the trial of Mr. Hall, I'm going to
8 deny the motion in this case. I'm satisfied in between the
9 statutory questions which, as you know, are mandatory, and
10 the nine individual questions that I will ask of each
11 prospective juror that the necessary issues regarding
12 publicity and other issues particular to this case will be
13 adequately addressed.

14 Anything further, Mr. Frank?

15 MR. FRANK: Only, Your Honor, and I'm sorry, I'm not
16 finding the nine questions; but I don't recall that there's
17 a question regarding would you believe the testimony of an
18 officer more or less than that of a civilian.

19 THE COURT: That is a statutory question. I will ask
20 that of the entire group.

21 MR. FRANK: Thank you.

22 THE COURT: Mr. Capeless, anything on behalf of the
23 Commonwealth?

24 MR. CAPELESS: I do want to alert the Court to a
25 situation just because it's our anticipated schedule, over

1 the weekend Willie Haywood who you may recall is the partner
2 of Robert Chadwell passed away.

3 THE COURT: Sorry to hear that.

4 MR. CAPELESS: And the services are scheduled for
5 Thursday morning at 11:00 a.m. and I expect that, obviously,
6 family and friends will be wanting to attend that may impact
7 the situation with a number of our, what we would anticipate
8 to be our initial witnesses. You know, we're going to have
9 to wait and see where we are and whether we are still on
10 that schedule, but I want to alert the Court to that.

11 THE COURT: All right. So you're suggesting that
12 witnesses that you would normally be calling at or about
13 that time would want to attend the services?

14 MR. CAPELESS: I expect so, because they've -- they're
15 family and friends.

16 If you may recall, the beginning of the case I had
17 those people who were directly associated with the victims
18 and talking about them missing, including Mr. Chadwell's
19 brother, close friends and the like.

20 THE COURT: All right. Thank you for bringing that to
21 my attention.

22 What I'm going to do then is recess, have the jurors
23 brought into the courtroom, then I will come out and
24 introduce them to the case, give them my introductory
25 remarks. Explain the process of selecting a jury rather.

1 That will be in two phases. And then I will excuse them
2 from the courtroom and we will bring them in one at a time.

3 I will then ask a series of nine individual questions,
4 including a question as to whether or not they have reviewed
5 the list of potential witnesses that could be called to
6 testify. I assume that this is a joint list and it is
7 complete.

8 If I find the witness or the juror, rather,
9 indifferent, I will turn first to the Commonwealth for the
10 exercise of a challenge, then to Mr. Frank.

11 If there is no challenge and the juror is seated, then
12 I will explain to the juror that we anticipate beginning the
13 presentation of the evidence in the case on Thursday
14 morning.

15 So, with that understanding, I'm prepared to recess and
16 bring the jurors into the courtroom.

17 Anything further?

18 MR. FRANK: Yes, before the jurors come in, we've just
19 gotten clothing for Mr. Chalue. We would need enough
20 time -- seven minutes, perhaps, before they file in, if I
21 could get him changed so that he can be present when they
22 come in, that would be helpful.

23 THE COURT: He's going to change from the clothes he
24 has on now?

25 MR. FRANK: Yes.

1 THE COURT: All right. We will give you time to do
2 that.

3 Ms. Allen, just as a reminder so we can get off on the
4 right foot, we are stating at 9 o'clock.

5 MS. ALLEN: I was here, Judge, I ran across the street
6 for the clothing.

7 (The Court exited at 9:11 a.m.)

8 (* * * * *)

9 (The Court entered at 9:36 a.m.)

10 (The defendant was present.)

11 (The venire was present.)

12 COURT OFFICER: Hear Ye, Hear Ye, Hear Ye: All persons
13 having anything to do before the Honorable Jeffrey Kinder,
14 Justice of the Superior Court, at the criminal session
15 thereof, now sitting in Springfield for the transaction of
16 criminal business, within and for the County of Hampden,
17 draw near, give your attendance, and you shall be heard.

18 God save the Commonwealth of Massachusetts and this
19 Honorable Court.

20 This Court is now open.

21 You may be seated.

22 THE COURT: Thank you, Mr. Curtis.

23 And good morning, ladies and gentlemen.

24 Ms. Capeless, you may proceed.

25 THE CLERK: Yes, Your Honor.

1 The Court will now be impaneling a criminal case
2 reached for trial being the Commonwealth vs. David T.
3 Chalue, Indictments 2011-140 Counts 10, 11 and 12. Each of
4 those indictments charging the defendant with murder.

5 Indictments 2011-140, Count 13, 14 and 15, each of
6 those indictments charging the defendant with kidnapping.

7 Indictments 2011-140 Counts 16, 17 and 18, each of
8 those indictments charging the defendant with intimidation
9 of a witness or other person.

10 Will all of the jurors please stand and raise your
11 right hands.

12 (The venire was sworn.)

13 THE COURT: Good morning again, ladies and gentlemen.

14 My name is Jeffrey Kinder. I'm a Superior Court Judge
15 and I want to welcome all of you to Courtroom Number 2 in
16 the Hampden County Hall of Justice.

17 For some of you it may be welcome back. How many of
18 you have participated in the jury selection process before
19 by way of show of hands?

20 (Pause)

21 THE COURT: And of that number, how many have actually
22 been selected to sit on a jury?

23 (Pause)

24 THE COURT: And how many of you are here for the very
25 first time having never participated in this process?

1 (Pause)

2 THE COURT: To those of you in category three, if you
3 are anxious, having never done this before, you can relax.
4 As long as you understand English, your life experience and
5 common sense make you a perfect candidate to be a juror.
6 And if, as I gather from some of your faces, you are feeling
7 generally inconvenienced by having to be here today, I get
8 that. Unfortunately, that is not an uncommon reaction to
9 receipt of your summons; but let me offer a slightly
10 different prospective, did you know that in our country,
11 there are only two times when our government calls upon us
12 as citizens to come forward and serve in some affirmative
13 capacity? One is the military draft, which, as you probably
14 know, has not existed since the days of the Vietnam War.

15 The only other time our government calls upon its
16 citizens to come forward and serve is jury service. And in
17 this Commonwealth that happens only once every three years
18 and then only for one day or one trial, whichever is longer.

19 If you can take a step back from your personal and
20 professional concerns, and think about it from that
21 prospective, I suggest it is a small sacrifice that we all
22 make once every three years to ensure that all of us are
23 afforded the protection of the jury system.

24 A protection which, by the way, is guaranteed by our
25 Massachusetts Constitution called the Declaration of Rights,

1 which happens to be the oldest written constitution still in
2 continuous effect in the world, older even than our United
3 States Constitution.

4 And in that document there is a phrase that states that
5 no person will be deprived of their liberty or their
6 property but by judgment of their peers. That is the phrase
7 that guarantees all of us a right to a jury trial. Today,
8 ladies and gentlemen, you are those peers.

9 We are about to select a jury in a criminal case. As
10 you now know it is known as the Commonwealth of
11 Massachusetts vs. David Chalue. And in a moment I'm going
12 to tell you more about the case and I'm also going to tell
13 you about the system we're going to use to select a jury in
14 the case. But before I do that, I want to introduce to you
15 some of the important people that will be helping me
16 throughout jury selection and the trial.

17 Now, first of all, Debbie Capeless is seated directly
18 in front of me. She is the elected Clerk in Berkshire
19 County. Her responsibility will be to assist me with
20 various administrative matters, record-keeping issues
21 throughout the course of jury selection and trial.

22 To Ms. Capeless' right, to your left, is Alicia Cayode
23 Kyles. As you can see, she is the stenographer, and is
24 taking down everything that I say by way of keystrokes and
25 she will do that same thing throughout the course of jury

1 selection and trial, whether I'm speaking or the attorneys
2 might be speaking or one of you might be speaking.

3 The Court Officers, you already have had some contact
4 with. Let me, in no particular order, name them for you:
5 Bill Curtis, Heath Joseph, Jerry McBride, Larry Roberson,
6 Chip Kerr, Paul Dunn, and Lewis Garced might also be helping
7 us at some time during the day.

8 Their responsibility is courtroom decorum and
9 responsibility and they will also coordinate your movements
10 as jurors, both during the jury selection process and once
11 the trial commences.

12 Now let me take a moment and explain to you the process
13 of jury selection so there's no mystery in what your
14 responsibility is.

15 Each of you has been handed a card, and that card has a
16 number on it, we're going to use that card in the jury
17 selection in the following way, I'm going to ask a series of
18 questions to all of you. No verbal response is required.
19 They are yes or no questions. If your answer to one of my
20 questions is yes, I want you to raise your card in the air
21 high enough so that we can see it, and hold it there long
22 enough so that the Court Officers have an opportunity to
23 report the number on it to me.

24 So let me go over that again.

25 If your answer to one of my questions is no, you're

1 going to do nothing. If your answer is yes, you're going to
2 hold your card in the air high enough so that I can see it.
3 And by that I mean like this, not like this, because often
4 we can't see beyond the person seated in front of you.

5 (Indicating)

6 And hold it there nice and high until such time as you
7 hear the number on your card reported to me.

8 Then I want you to put your card back in your lap.

9 Now, this is not a test. These are not difficult
10 questions. They are designed to determine whether or not
11 you are capable of listening to the evidence in this case
12 with an open mind and make a decision fairly and impartially
13 about what the facts are in this case based only on what you
14 see and hear in the courtroom.

15 Now, let me say this, I sometimes find that jurors are
16 uncertain as to whether or not their answer should be yes or
17 no to a particular question.

18 And in their uncertainty, they fail to raise their
19 card, only to learn later in the proceedings that the
20 information they were uncertain about would have been
21 important for the lawyers, and for me, to know during the
22 jury selection process.

23 So, in an abundance of caution, if you are uncertain as
24 to whether or not you should raise your card, please do so
25 anyway. There is no penalty for bringing something to our

1 attention that later turns out to be a matter of no
2 consequence.

3 So that will be the first phase of the jury selection
4 process. It will happen here in the courtroom. I'm going
5 to ask the questions as I'm speaking to you now of the
6 entire group, and we will record your responses and then
7 move on to the next question.

8 Again, there is no verbal requirement in you answering
9 any of these questions. You do nothing if your answer is
10 no. If your answer is yes, you simply raise your card.

11 Now, the fact that you raise your card doesn't mean
12 that you're not a perfectly good juror in this case. It
13 just means that there's something that we need to discuss
14 further with you.

15 For example, one of the things we will be doing is
16 introducing you to the lawyers in this case to determine
17 whether or not any of you know the lawyers, and if so,
18 whether or not that might affect in any way your ability to
19 be fair to both sides.

20 So, now, after that first phase is complete, that is
21 after you have answered the short number of questions I will
22 have for all of you, I'm going to take a brief recess, we're
23 going to remove all of you from the courtroom, and then
24 we're going to bring you back into the courtroom one at a
25 time and I'm going to ask some additional questions in open

1 court, but without all of the other jurors here.

2 I have determined that it's appropriate to do that
3 because I have some follow-up questions that I think are
4 best asked privately.

5 When I call you back into the courtroom one by one, the
6 first thing I will probably ask you is whether or not you
7 responded to any of my earlier questions by raising your
8 card. Try to bear those in mind if you did. If you happen
9 to forget, that's not a crisis. We will keep a record of
10 what response you made.

11 I will also have with me your biographical form that
12 each of you has filled out, which addresses things like your
13 occupation, whether or not you've been a juror before, those
14 sorts of things. It may be that there is some questions on
15 that biographical form that pop up and that I ask about when
16 you come back into the courtroom. And finally, I will have
17 a short list of additional questions that I will ask of you.

18 Now, I'm sure you are all wondering how long this case
19 will take and what imposition on your time and personal and
20 professional schedules it would mean.

21 One of the first things that I do, when I bring you
22 back into the courtroom is inform you exactly how long we
23 anticipate this case will take and then I will ask you a
24 question related to that schedule.

25 That concludes my preliminary remarks with one

1 exception. First, I want to thank you all for your patience
2 here this morning. I know you've been waiting in cramped
3 quarters and we understand that and we're going to try to do
4 this as efficiently as we can. The process of selecting a
5 jury, for reasons that are important, can be tedious at
6 times. So we will get through this as quickly as we can.

7 First phase will go quite quickly, but when we bring
8 you back into the courtroom one at a time, that will slow
9 the process down somewhat, and I ask for your patience in
10 advance and apologize for any inconvenience the waiting
11 might bring.

12 However, it's an important process and I ask you to
13 bear with us.

14 One of the things I want to tell you is after I excuse
15 you, after I've asked all of the questions in that first
16 phase and we place you in another room to wait, you should
17 feel free to discuss among yourselves anything you'd like
18 except this case. Please do not discuss any aspect of this
19 case that you have learned about in the courtroom or
20 previously with your fellow jurors.

21 Now, that concludes my initial remarks.

22 Let me, first, now turn to the lawyers and ask them to
23 introduce themselves to you. One of the questions I will
24 ask you will relate to your knowledge of the attorneys.

25 Mr. Capeless, could you start by introducing yourself

1 and your colleagues, please.

2 MR. CAPELESS: Thank you, Your Honor.

3 Ladies and gentlemen, good morning. I'm Berkshire
4 District Attorney David Capeless and I will be prosecuting
5 this case on behalf of the Commonwealth, assisted by First
6 Assistant District Attorney Paul Caccaviello.

7 MR. CACCAVIELLO: Good morning.

8 MR. CAPELESS: And Assistant District Attorney Gregory
9 Barry.

10 MR. BARRY: Good morning.

11 THE COURT: Mr. Frank, would you introduce yourself,
12 your client, and your colleagues please.

13 MR. FRANK: Thank you.

14 Good morning, ladies and gentlemen. I'm Attorney
15 Donald Frank with Offices in Springfield. I will be
16 assisted by Attorney Meredith Ryan who will be in and out
17 during course of the trial and Bonnie Allen, who will be
18 seated next to me.

19 And to the far side of me is David Chalue the
20 defendant, and my client, in this matter.

21 MS. ALLEN: Good morning.

22 MS. RYAN: Good morning.

23 THE COURT: Thank you.

24 Ladies and gentlemen, I mentioned that I would tell you
25 a little bit more about the case before we begin, so let me

1 do that now.

2 In this criminal case, the Commonwealth alleges that on
3 or about August 28 of 2011, David Chalue and two other men,
4 Adam Hall and Caius Veiovis, kidnapped and murdered David
5 Glasser, Edward Frampton and Robert Chadwell in the area of,
6 Pittsfield Massachusetts by shooting and stabbing them.

7 It is further alleged that the bodies of Glasser,
8 Frampton, and Chadwell were buried in Becket, Massachusetts
9 with the assistance of David Casey.

10 The Commonwealth alleges that these murders were
11 committed to eliminate Glasser, Frampton and Chadwell as
12 witnesses against Mr. Hall.

13 It is important for you to remember that these charges,
14 which Mr. Chalue denies, are mere allegations.

15 Mr. Chalue is presumed to be innocent, the Commonwealth
16 has the burden of proving his guilt beyond a reasonable
17 doubt. Mr. Chalue has no obligation to present any evidence
18 at this trial.

19 Now, ladies and gentlemen, I'm going to begin to ask
20 the questions of you as a group. Remember, if your answer
21 is no, you do nothing. If your answer is yes, you raise
22 your card nice and high so we can see it and hold it there
23 until the Court Officers have a chance to report it to me.

24 The first question is, Do you know, are you related to
25 the defendant, David Chalue, or any member of his family?

1 (Pause)

2 THE COURT: No cards have been raised in response to
3 that question.

4 Are you employed by or related to any member of the
5 Berkshire County District Attorney's Office?

6 (Pause)

7 THE COURT: Again, no cards have been raised.

8 Have you or any close relatives or family members ever
9 been employed by any federal, state or local law enforcement
10 agency?

11 (Pause)

12 COURT OFFICER: Juror Number 65, 48, 61, 20, 15, 37,
13 80, 81, 111, 90, 28, 20.

14 COURT OFFICER: Juror Number 66, Number 1, Number 95,
15 91, 68, 19, 14, 10, 13, 35, 3, 50, 60.

16 COURT OFFICER: Jurors Number 94 and 8, Your Honor.

17 THE COURT: Thank you.

18 COURT OFFICER: Also Juror Number 48.

19 THE COURT: Thank you.

20 Would you tend to believe or disbelieve the testimony
21 of a police officer as opposed to the testimony of any other
22 witness simply because that witness is employed as a police
23 officer?

24 (Pause)

25 THE COURT: No cards have been raised in response to

1 that question.

2 Do you know or are you related to any of the court
3 personnel, any of the attorneys in this case, or anyone
4 associated with any of the attorneys?

5 (Pause)

6 COURT OFFICER: Jurors Number 91 and 66, Your Honor.

7 THE COURT: Thank you.

8 The alleged victims in this case are David Glasser,
9 Edward Frampton, and Robert Chadwell.

10 Do any of you know any of the victims or any of the
11 members of their immediate families?

12 (Pause)

13 THE COURT: No cards have been raised.

14 Do you have any interest or stake whatsoever in this
15 case or its outcome?

16 (Pause)

17 THE COURT: No cards have been raised.

18 Have you expressed or formed any judgment or opinion in
19 this case?

20 (Pause)

21 COURT OFFICER: Jurors Number 94, 91, 51, 55, and 25
22 Your Honor.

23 COURT OFFICER: Juror Number 98, 89, 90.

24 COURT OFFICER: And also Juror Number 56.

25 Are you aware of any bias or prejudice you may have

1 either for or against the Commonwealth or the defendant?

2 (Pause)

3 COURT OFFICER: Juror Number 81.

4 COURT OFFICER: Your Honor, we have one juror
5 expressing he could not hear that specific question.

6 THE COURT: All right. I will re-ask that question,
7 sir. If it will be easier, you can move closer, but let me
8 ask the question again.

9 Are you aware of any bias or prejudice that you might
10 have either for or against the Commonwealth or the
11 defendant?

12 (Pause)

13 COURT OFFICER: Juror Number 64, 43, 81.

14 COURT OFFICER: And also Juror Number 94, Your Honor.

15 THE COURT: Is there any reason such as physical
16 ailment, language difficulties, religious beliefs, hearing
17 impairment, medical problems or the like, that might prevent
18 you from serving as a juror in this case?

19 (Pause)

20 COURT OFFICER: Juror 107.

21 THE COURT: Nice and high.

22 COURT OFFICER: 65, 34, 20, 98, 89.

23 COURT OFFICER: Jurors Number 95, 68, 11, 33, and 55
24 Your Honor.

25 THE COURT: Thank you.

1 Ladies and gentlemen, there are certain fundamental
2 constitutional principles that govern this and every other
3 criminal case. Some of them I have alluded to already. I
4 want to mention them again and then ask you a question about
5 them.

6 First, the defendant, Mr. Chalue, is presumed to be
7 innocent of the charges against him. And he remains
8 innocent unless and until proven guilty by the Commonwealth.
9 The Commonwealth has the burden of proving him guilty beyond
10 a reasonable doubt.

11 The failure to meet that burden of proof must result in
12 a finding of not guilty.

13 The defendant is not required to present any evidence
14 on his behalf and is under absolutely no obligation to
15 testify himself at this trial.

16 If any prospective juror has any difficulty at all in
17 understanding or accepting these principles, please raise
18 your card.

19 (Pause)

20 THE COURT: No cards have been raised in response to
21 that question.

22 Ladies and gentlemen, as you wait to be brought back
23 into the courtroom, to -- for those individual questions the
24 Court Officers are going to provide you with a list of
25 witnesses that may be called in the trial. And I'm going to

1 ask you to review that list carefully.

2 One of the first questions I will ask you when you
3 return to the courtroom is whether or not you know any of
4 the potential witnesses, and if the answer is yes, I will
5 have some follow-up questions about how you know them.

6 That concludes my group questions, ladies and
7 gentlemen. I'm going to take a brief recess. We are going
8 to remove you from the courtroom and then bring you back
9 into the courtroom individually for the next phase of jury
10 selection.

11 We are in recess.

12 (The Court exited at 9:58 a.m.)

13 (* * * * *)

14 (The Court entered at 10:06 a.m.)

15 (The defendant was present.)

16 THE COURT: Mr. Frank.

17 MR. FRANK: Thank you, Judge.

18 Your Honor, I was a little concerned that none of the
19 jurors raised their hands when asked if they would tend to
20 believe an officer more or less than a civilian witness, and
21 I suggest that there may have been some uncomfortableness.
22 I'm not sure why. It's my first experience where nobody has
23 raised their hand. In a large jury, I would ask that we add
24 that question to the to list of the individual voir dieres.
25 It may be simply that people were uncomfortable as nobody

1 else did it.

2 (Pause)

3 THE COURT: Mr. Capeless, do you wish to respond to
4 that?

5 MR. CAPELESS: It's not the first time that I've
6 experienced that, Judge.

7 THE COURT: Nor is it the first time I've experienced
8 it. And, I'm satisfied that the jurors understood the
9 questioning, which was in fairly straightforward English and
10 I'm also satisfied that -- my observation, that none of them
11 responded, so I don't see a need to ask it again in a
12 private setting.

13 But your objection is noted for the record.

14 MR. FRANK: Thank you.

15 THE COURT: All right. I elected to save the question
16 of pretrial publicity as an individual question, so I will
17 add that to the list of nine questions that I earlier
18 provided to you.

19 All right. We can bring in the first potential --

20 We have to set Mr. Chalue to the Bar. Thank you.

21 THE CLERK: Will you please stand.

22 You are now set to the bar to be tried and these
23 persons whom I shall call are to pass between the
24 Commonwealth and you upon your trial.

25 If you would object to any of them, you must do so as

1 they are called and before they are sworn.

2 You have a right to challenge any 16 of their number
3 without assigning any reason therefor and as many others as
4 you have good cause to challenge.

5 You may be seated.

6 THE DEFENDANT: Thank you.

7 THE CLERK: Thank you.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 1

9 THE COURT: Ms. Colson, good morning.

10 THE JUROR: Good morning.

11 THE COURT: Do I have the name correct, do I not?

12 THE JUROR: Miss Colson.

13 THE COURT: Yes. Ms. Colson, we anticipate this case
14 will take us roughly four weeks to complete proceeding from
15 9:00 in the morning to 4:00 in the afternoon most days with
16 some days off along the way.

17 Bearing in mind that schedule, the importance of this
18 case and our need for good jurors like you, are you
19 available to help us?

20 THE JUROR: (Indicating)

21 THE COURT: You have to say yes or no.

22 THE JUROR: Yes.

23 THE COURT: Have you reviewed the list of potential
24 witnesses while you've been waiting?

25 THE JUROR: Yes, I have.

1 THE COURT: Did you raise the names of any of those
2 witnesses?

3 THE JUROR: I recognize one name.

4 THE COURT: And what name was that?

5 THE JUROR: Sergeant Christopher Sanchez.

6 THE COURT: How do you know Mr. Sanchez?

7 THE JUROR: I went to nursing school with his wife.
8 You know, back then, gotten together a few times.

9 THE COURT: Did you know him on a social basis at that
10 time?

11 THE JUROR: No.

12 THE COURT: All right. If Mr. Sanchez were called to
13 testify in this case, do you think that you would tend to
14 place any greater significance on his testimony as a result
15 of your relationship?

16 THE JUROR: No, I don't believe so, no.

17 THE COURT: Do you have a current relationship with him
18 of any kind?

19 THE JUROR: No.

20 THE COURT: Thank you.

21 Do you think that -- well -- strike that.

22 Have you seen or heard anything about this case in the
23 media or have you discussed it with anyone?

24 THE JUROR: I have not.

25 THE COURT: Did you respond in the affirmative to any

1 of my earlier questions that I asked of the entire group?

2 THE JUROR: I did.

3 THE COURT: Do you remember which ones?

4 THE JUROR: The law enforcement family members.

5 THE COURT: Friends or family in law enforcement?

6 THE JUROR: Uh-huh.

7 THE COURT: And who is that family member and what
8 capacity do they work or did they work?

9 THE JUROR: Well, they did. My father was auxiliary
10 police in Westfield but he's been gone for 20 something
11 years.

12 THE COURT: Is there anything about his line of work or
13 your relationship with him that you think could affect your
14 ability to be a fair and impartial juror in this case?

15 THE JUROR: No.

16 THE COURT: Have you or any family member ever been the
17 victim of a crime of violence?

18 THE JUROR: No.

19 THE COURT: There may be evidence in this case that one
20 of the defendants, Mr. Hall, had some affiliation with the
21 Hells Angels Motorcycle Club and Mr. Chalue, the defendant
22 in this case, had some affiliation with an organization
23 known as the Aryan Brotherhood. If you were to hear such
24 evidence would that prevent you from acting as a fair and
25 impartial juror?

1 THE JUROR: No.

2 THE COURT: Robert Chadwell, one of the victims in this
3 case, was an African American male. Mr. Chalue is
4 Caucasian. Would those facts alone affect your ability to
5 be a fair to both sides in this case?

6 THE JUROR: No.

7 THE COURT: The defendant, Mr. Chalue, has an absolute
8 right to remain silent. If he exercises that right and does
9 not testify in this case, would you hold that against him in
10 any way?

11 THE JUROR: No.

12 THE COURT: There may be evidence in this case that the
13 victims' bodies were dismembered. If you were to hear such
14 evidence would that prevent you from acting as a fair and
15 impartial juror?

16 THE JUROR: No.

17 THE COURT: The evidence may also include photographs
18 that might be graphic in nature. If you were to see such
19 photographs, would that alone prevent you from acting as a
20 fair and impartial juror?

21 THE JUROR: No.

22 THE COURT: Is there any other reason, whether I have
23 asked about it or not, why you think you could not be a fair
24 and impartial juror?

25 THE JUROR: No.

1 THE COURT: All right. Thank you. I'm going to ask
2 you to step into the hallway for just a moment.

3 THE JUROR: Okay.

4 (The juror exited.)

5 THE COURT: I find her indifferent.

6 MR. CAPELESS: Commonwealth is content with this juror,
7 Your Honor.

8 MR. FRANK: Judge, there are two areas that you
9 inquired with -- I'm waiting for the door to shut.

10 There are two areas that you inquired with that I think
11 need a little further inquiry. One is, you asked about --
12 she mentioned her father who had long passed, her brother is
13 currently an auxiliary police officer. There is no query as
14 to whether or not his relationship would affect her.

15 And second of all, you asked regarding whether or not
16 she had a relationship with Chris Sanchez, if there was a
17 social relationship. And I'm not clear whether or not you
18 asked if that was currently, if there was a current reason
19 for her to -- if that would currently affect her ability to
20 look at him dispassionately.

21 THE COURT: I thought that I did, but I will inquire.

22 MR. FRANK: Thank you.

23 (The juror entered.)

24 THE COURT: Ms. Colson, a couple of follow-up
25 questions. I'm not sure if I asked you about your brother's

1 police employment. Do I understand he's an auxiliary police
2 officer?

3 THE JUROR: He was a long time ago, I neglected to say
4 him too. They were at the same time.

5 THE COURT: All right. Is there anything about your
6 brother's line of work that you think could influence your
7 ability to be fair and impartial in this case?

8 THE JUROR: No.

9 THE COURT: And getting back to Mr. Sanchez for just a
10 moment, I think you said you don't have any current
11 relationship with him; is that correct?

12 THE JUROR: No -- yes, that's correct.

13 THE COURT: And there was nothing about your
14 relationship at any time that might affect your ability to
15 be fair and impartial?

16 THE JUROR: No.

17 THE COURT: Thank you. I'm going to ask you to step
18 out again.

19 THE JUROR: Maybe I need to ask one question.

20 THE COURT: You may do so.

21 THE JUROR: Is that okay?

22 The question about the family history of crime.

23 THE COURT: Yes.

24 THE JUROR: In 2002 my brother and his wife were -- it
25 was a murder/suicide. They were both gone at the same time,

1 so, you know, I don't know.

2 THE COURT: Well, first, thank you for bringing that to
3 our attention. I'm sorry to hear about that. The question
4 is whether or not having lived through that experience with
5 other members of your family might affect in some way your
6 ability to act as a fair and impartial juror in this case
7 based on what you now know about it?

8 THE JUROR: No, I don't think it would.

9 THE COURT: Thank you very much.

10 Again, if you could step out in the hallway for just a
11 minute.

12 THE JUROR: Okay.

13 (The juror exited.)

14 THE COURT: I find her indifferent.

15 MR. CAPELESS: Commonwealth remains content, Your
16 Honor.

17 THE COURT: Mr. Frank?

18 MR. FRANK: Your Honor, I'm concerned about the
19 murder/suicide. I think that -- first of all, while I think
20 her voice cracked a little bit --

21 THE COURT: Is there a challenge for cause or
22 peremptory challenge?

23 MR. FRANK: There's a challenge for cause, Your Honor.

24 THE COURT: On what basis?

25 MR. FRANK: On the basis she neglected to answer the

1 question initially that she was involved with a
2 murder/suicide of a close family member. And I think that
3 the way she presented herself indicates that there is still
4 lingering issues regarding that that may very well come up
5 during the course of this trial.

6 THE COURT: Well, to the extent there was any emotion
7 in her voice when she responded, I think it's fair to
8 anticipate disclosure of that kind of information in a
9 public setting would cause that reaction in anyone. She did
10 bring it to our attention without further probing.

11 I am satisfied, based on her response, that she can act
12 as a fair and impartial juror.

13 Do you wish to exercise a peremptory challenge?

14 (Pause)

15 MR. FRANK: We do. Thank you.

16 (The juror entered.)

17 THE COURT: Ms. Colson, thank you for your service.
18 You are excused.

19 THE JUROR: Thank you.

20 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 3

21 COURT OFFICER: Mr. Driscoll, good morning.

22 THE JUROR: Good morning, Your Honor.

23 THE COURT: Mr. Driscoll, I can see you were previously
24 employed for or perhaps employed as an East Longmeadow
25 Police Officer. Is that past or present?

1 THE JUROR: Retired, Your Honor.

2 THE COURT: All right. Is there anything about your
3 past experience as a law enforcement officer that you think
4 might affect your ability to be a fair juror in this case?

5 THE JUROR: I would hope not, Your Honor, but I have
6 worked with prosecutors in the past.

7 THE COURT: All right. If I were to instruct you that
8 you need to put aside your past experience and judge this
9 case based only on its facts, do you think you could do that
10 or do you think your past experience has so influenced you,
11 you would not be able to be fair?

12 THE JUROR: To be honest, Your Honor, I think my past
13 influence will.

14 THE COURT: I'm sorry to hear that. You're excused.

15 THE JUROR: Thank you.

16 (The juror exited.)

17 MR. FRANK: While we are waiting, I notice Number 5,
18 the next, has questions about the system. I would ask that
19 you inquire.

20 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 5

21 COURT OFFICER: Juror Number 5, Your Honor.

22 THE COURT: Mr. Reopel, good morning.

23 THE JUROR: Good morning.

24 Have a seat?

25 THE COURT: No, just stand right there.

1 Let me start again. Good morning.

2 THE JUROR: Good morning.

3 THE COURT: I understand from your biographical form
4 that you have questions about the system. To what were you
5 referring?

6 THE JUROR: Well, I had a situation where I felt like I
7 was treated unfairly.

8 THE COURT: All right. Let me ask a follow-up question
9 without getting into the details. Were you a criminal
10 defendant in that case?

11 THE JUROR: Yes.

12 THE COURT: All right. And do you think the fact that
13 you feel as if you were treated unfairly might carry over
14 into your deliberations in this case if you were selected as
15 a juror?

16 THE JUROR: Possibly, so.

17 THE COURT: You are excused.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 6

19 COURT OFFICER: Juror Number 6, Your Honor.

20 THE COURT: Ms. Duquette, good morning.

21 THE JUROR: Good morning.

22 THE COURT: Ms. Duquette, we anticipate this case will
23 take us four weeks to try, proceeding from 9:00 in the
24 morning until 4:00 in the afternoon most days with some
25 exceptions.

1 Bearing in mind that schedule, the importance of this
2 case, and our need for good jurors like you, are you
3 available to help us?

4 THE JUROR: Yes.

5 THE COURT: Have you -- did you get a chance to review
6 the witness list?

7 THE JUROR: I did.

8 THE COURT: Did you recognize any names?

9 THE JUROR: No.

10 THE COURT: Have you read or seen or heard anything
11 about this case in the media or have you discussed it with
12 anyone?

13 THE JUROR: No.

14 THE COURT: Did you respond to any of the earlier
15 questions that I asked of the entire group?

16 THE JUROR: No.

17 THE COURT: I see that you twice sat on a jury before.
18 Were those criminal cases, do you recall?

19 THE JUROR: Nothing to this extent.

20 THE COURT: All right. But were they criminal cases?

21 THE JUROR: I don't remember. It was quite awhile ago.

22 THE COURT: Do you remember if the jury reached a
23 verdict?

24 THE JUROR: We did.

25 THE COURT: Do you remember what the verdict was?

1 Guilty or not guilty.

2 THE JUROR: Guilty in one and not guilty in another.

3 THE COURT: All right. And you don't remember the
4 subject matter of the cases?

5 THE JUROR: The last one that I served on was somebody
6 had gotten hit by a car. I don't remember everything
7 though.

8 THE COURT: Have you or any family member ever been the
9 victim of a crime of violence?

10 THE JUROR: No.

11 THE COURT: There may be evidence in this case that one
12 of the defendants, Mr. Hall, had some affiliation with the
13 Hells Angels motorcycle gang, rather, and that this
14 defendant, Mr. Chalue, had some affiliation with an
15 organization known as the Aryan Brotherhood.

16 If you were to hear such evidence, would that prevent
17 you from being fair to both sides?

18 THE JUROR: No.

19 THE COURT: Robert Chadwell, one of the victims in this
20 case, was an African American male. Mr. Chalue is
21 Caucasian. Would those facts alone affect your ability to
22 act as a fair and impartial juror?

23 THE JUROR: No.

24 THE COURT: The defendant has the absolute right to
25 remain silent at this trial. If he exercises that right and

1 does not testify, would you hold that against him in any
2 way?

3 THE JUROR: No.

4 THE COURT: There may be evidence in this case that the
5 victims' bodies were dismembered. If you were to hear that
6 kind of evidence, would that alone prevent you from being
7 fair and impartial?

8 THE JUROR: No.

9 THE COURT: There may also be photographs of the bodies
10 introduced that may be graphic in nature. If you were to
11 see such photographs would that alone prevent you from being
12 a fair juror?

13 THE JUROR: No.

14 THE COURT: Is there any other reason, whether I have
15 asked about it or not, why you think you could not be fair
16 if selected as a juror in this case?

17 THE JUROR: No, I see no reason.

18 THE COURT: All right. Thank you. I'm going to ask
19 you to step into the hallway for just a moment.

20 THE JUROR: Okay.

21 (The juror exited.)

22 THE COURT: I find her indifferent.

23 MR. CAPELESS: Commonwealth is content with this juror,
24 Your Honor.

25 THE COURT: Mr. Frank.

1 MR. FRANK: Content, Your Honor.

2 THE COURT: All right.

3 (The juror entered.)

4 THE COURT: Ms. Duquette, you have been selected to sit
5 as juror in this case. You are going to be the juror in
6 seat number one.

7 THE JUROR: Okay.

8 THE COURT: We are not going to actually start the
9 trial today. We are going to proceed to pick the jury, so I
10 am going to excuse you for the day and ask you to return on
11 Thursday, not tomorrow, but Thursday morning at 9:30.

12 THE JUROR: Okay.

13 THE COURT: It's important that during the time you are
14 outside of the courtroom between now and then, that you not
15 discuss the case with anyone, including friends or family
16 members. You can certainly explain that you've been
17 selected to sit as a juror in a criminal case. Beyond that,
18 I ask that you say no more.

19 Also, don't view any media reports of the case should
20 there be any.

21 THE JUROR: Okay.

22 THE COURT: And don't conduct any independent
23 investigation of the case in any way.

24 THE JUROR: Okay.

25 THE COURT: I will see you Thursday at 9:30.

1 THE JUROR: 9:30, okay.

2 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 7

3 COURT OFFICER: Juror Number 7.

4 THE COURT: Ms. Diaz, good morning.

5 THE JUROR: Good morning.

6 THE COURT: Ms. Diaz, we expect this case will take us
7 four weeks to complete beginning at 9:00 in the morning and
8 going until 4:00 in the afternoon on most days.

9 Bearing in mind that schedule, the importance of this
10 case, and our need for good jurors like you, are you
11 available to help us?

12 THE JUROR: Yes.

13 THE COURT: Did you respond to any of my earlier
14 questions by raising your hand?

15 THE JUROR: Yes.

16 THE COURT: Do you remember which ones?

17 THE JUROR: No.

18 THE COURT: All right. Ms. Capeless, if you could take
19 a look at that list while I'm asking the next question.

20 THE CLERK: Yes, Your Honor.

21 THE COURT: Did you review the list of potential
22 witnesses?

23 THE JUROR: Yes.

24 THE COURT: Did you know any of them?

25 THE JUROR: No.

1 THE COURT: Have you seen, read or heard anything about
2 this case in the media or have you discussed it with anyone?

3 THE JUROR: I've heard it in the media.

4 THE COURT: All right. About how long ago was that?

5 THE JUROR: Last night.

6 THE COURT: All right. And in what form, that is what
7 media did you review information about the case?

8 THE JUROR: 22 News.

9 THE COURT: 22 News, all right. And was -- do you
10 recall the content of it at all?

11 THE JUROR: No, they were going to pick jurors today.

12 THE COURT: And was that the only media exposure you
13 had to the case?

14 THE JUROR: Yes.

15 THE COURT: Is there anything about what you heard that
16 you think would affect your ability to be fair and
17 impartial?

18 THE JUROR: No.

19 THE COURT: Ms. Capeless?

20 THE CLERK: Your Honor, I do not have any indication
21 she answered in the affirmative.

22 THE COURT: All right. We didn't write down that you
23 responded by raising your card. Did you raise your card
24 earlier?

25 THE JUROR: My card, yes, when have I done jury duty

1 before.

2 THE COURT: Oh, I see, you raised your hand at the very
3 beginning?

4 All right. Thank you. Well, let me ask you about
5 that, was that a criminal case?

6 THE JUROR: No.

7 THE COURT: Was there anything about your prior jury
8 service that you think would affect your ability to be fair
9 and impartial in this case?

10 THE JUROR: No.

11 THE COURT: Have you or any close family member or
12 friends ever been the victim of a crime of violence?

13 THE JUROR: No.

14 THE COURT: There may be evidence in this case that one
15 of the co-defendants Mr. Hall had some affiliation with the
16 Hells Angels Motorcycle Club and that Mr. Chalue the
17 defendant in this case had some affiliation with an
18 organization known as the Aryan Brotherhood, if you were to
19 hear such evidence, would that evidence alone affect your
20 ability to be fair and impartial?

21 THE JUROR: No.

22 THE COURT: Robert Chadwell one of the victims in this
23 case was an African American. The defendant is Caucasian
24 would those facts alone affect your ability to act fairly
25 and impartially?

1 THE JUROR: Yes.

2 THE COURT: Let me ask that question again.

3 Mr. Chadwell, one of the victims was African American.

4 Mr. Chalue is Caucasian. Do those facts alone, affect your
5 ability to be fair and impartial?

6 THE JUROR: No. No.

7 THE COURT: All right. The defendant has an absolute
8 right to remain silent. If he exercises that right and does
9 not testify would you hold that against him in any way?

10 THE JUROR: No.

11 THE COURT: The answer was?

12 THE JUROR: No.

13 THE COURT: Sorry.

14 There may be evidence in this case that the victims'
15 bodies were dismembered. If you were to hear that kind of
16 evidence, would that alone prevent you from being a fair and
17 impartial juror?

18 THE JUROR: No.

19 THE COURT: There may also be graphic photographs of
20 the bodies introduced into evidence. If you were to see
21 such photographs, would that prevent you from acting fairly
22 and impartially?

23 THE JUROR: No.

24 THE COURT: Is there any other reason, whether I asked
25 about it or not, whether you think you could not be fair if

1 selected as a juror?

2 THE JUROR: No.

3 THE COURT: Bear with me for just a moment.

4 (Pause)

5 THE COURT: I see from your biographical form that you
6 had some experience with the criminal justice system before?

7 THE JUROR: Yes.

8 THE COURT: How long ago was that experience?

9 THE JUROR: August -- last year, 2013.

10 THE COURT: And did a criminal case result from that?

11 THE JUROR: No.

12 THE COURT: Was there anything about that experience
13 that you think might affect your ability to be fair to both
14 sides?

15 THE JUROR: No.

16 THE COURT: Thank you. I'm going to excuse you. If
17 you could step out in the hallway for just a moment.

18 (The juror exited.)

19 THE COURT: I find her indifferent.

20 MR. CAPELESS: Commonwealth challenges, Your Honor.

21 THE COURT: Very well.

22 (The juror entered.)

23 THE COURT: Ms. Diaz, thank you for your service. You
24 are excused.

25 THE JUROR: Thank you.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 8

2 COURT OFFICER: Juror Number 8.

3 THE COURT: Good morning, ma'am. Is it Miss Pastore;
4 is that how you pronounce your name?

5 THE JUROR: Yes.

6 THE COURT: Ms. Pastore, we anticipate this case will
7 take us four weeks to complete, proceeding from 9:00 in the
8 morning to 4:00 in the afternoon most days.

9 Bearing in mind that schedule, the importance of this
10 case and our need for good jurors like you, are you
11 available to help us?

12 THE JUROR: Yes.

13 THE COURT: All right. Did you get a chance to review
14 the list of potential witnesses?

15 THE JUROR: Yes.

16 THE COURT: Did you recognize any names?

17 THE JUROR: (Indicating)

18 THE COURT: Have you read, seen or heard anything about
19 this case in the media or have you discussed it with anyone?

20 THE JUROR: Not really. I heard about it, but not
21 much.

22 THE COURT: Do you know what the source of the
23 information you heard was? Was it on the media or some
24 person?

25 THE JUROR: A person.

1 THE COURT: All right. And how long ago was it that
2 you heard something about the case?

3 THE JUROR: About a month ago.

4 THE COURT: All right. And what was it that you heard?
5 Can you recall?

6 THE JUROR: Not much really. I wasn't really
7 interested -- telling you the truth, so I didn't -- I don't
8 know much. I don't.

9 THE COURT: And do you know what -- was it a social
10 setting or business setting? In what circumstance did you
11 hear something about the case?

12 THE JUROR: Well, because actually -- co-worker, she
13 got picked in the jury for the first one.

14 THE COURT: I see, and has she discussed her jury
15 service with you?

16 THE JUROR: No, not really, she just -- yeah.

17 THE COURT: And did she tell you anything about the
18 case other than the fact that she was selected as a juror?

19 THE JUROR: No.

20 THE COURT: How did you know she was selected as a
21 juror?

22 THE JUROR: Because we work together.

23 THE COURT: Did she tell you that? Did she tell you
24 she had been chosen?

25 THE JUROR: Yes. Yes.

1 THE COURT: And did she tell you anything about the
2 evidence that was introduced in the case?

3 THE JUROR: No. No.

4 THE COURT: Was there anything at all about what she
5 told you that you think might affect your ability to be fair
6 and impartial?

7 THE JUROR: No.

8 THE COURT: Did you answer any of the earlier questions
9 that I asked by answering, raising your card?

10 THE JUROR: Yes.

11 THE COURT: Do you recall what question?

12 THE JUROR: If I know anybody.

13 THE COURT: Law enforcement?

14 THE JUROR: Right.

15 THE COURT: Who do you know?

16 THE JUROR: My fiancé's cousin. He's a state trooper.

17 THE COURT: Your fiance?

18 THE JUROR: My fiancé's cousin.

19 THE COURT: Cousin?

20 THE JUROR: Yeah.

21 THE COURT: All right. Is there anything about your
22 relationship with that state trooper that you think might
23 cause you to favor one side over the other?

24 THE JUROR: No, I don't think so.

25 THE COURT: Have you or any close friend or family

1 member ever been the victim of a crime of violence?

2 THE JUROR: I don't know if you would call it -- yes.

3 THE COURT: All right. Was that you or some other
4 member of your family?

5 THE JUROR: Another member of my family.

6 THE COURT: All right. Did a criminal case result from
7 that?

8 THE JUROR: No.

9 THE COURT: And if you don't -- I don't mean to pry,
10 but what was your relationship to that person?

11 THE JUROR: My son.

12 THE COURT: Your son?

13 THE JUROR: Yes.

14 THE COURT: Was there anything about your son's
15 experience that you think might cause you to favor one side
16 over the other in this case?

17 THE JUROR: No, no.

18 THE COURT: There may be evidence in this case that one
19 of the co-defendants, Mr. Hall, had some affiliation with
20 the Hells Angels Motorcycle Club; and that Mr. Chalue, the
21 defendant in this trial, had some affiliation with the Aryan
22 Brotherhood. If you were to hear such evidence, would that
23 evidence alone prevent you from being fair to both sides?

24 THE JUROR: No.

25 THE COURT: Robert Chadwell, one of the victims in this

1 case was an African American. Mr. Chalue is Caucasian.
2 Would those facts alone prevent you from being fair to both
3 sides?

4 THE JUROR: No.

5 THE COURT: The defendant has an absolute right to
6 remain silent. If he exercises that right and does not
7 testify, would you hold that against him in any way?

8 THE JUROR: Of course not.

9 THE COURT: There may be evidence in this case that the
10 victims' bodies were dismembered. If you were to hear such
11 evidence would that prevent you from being fair and
12 impartial?

13 THE JUROR: No.

14 THE COURT: There may also be photographs of the bodies
15 introduced in evidence that are graphic in nature. If you
16 were to see such evidence, would that prevent you from being
17 fair to both sides?

18 THE JUROR: No.

19 THE COURT: Is there any other reason, whether I've ask
20 about it or not, why you could not be fair and impartial?

21 THE JUROR: No.

22 THE COURT: I'm looking at your biographical form and I
23 see that you mention a prior arrest and you refer to your
24 son?

25 THE JUROR: Yes.

1 THE COURT: And did a criminal case result from that?

2 THE JUROR: No.

3 THE COURT: All right. And how long ago was that
4 arrest, do you know?

5 THE JUROR: Recently actually.

6 THE COURT: And can you tell us what he was arrested
7 for?

8 THE JUROR: Violated his probation.

9 THE COURT: All right. So --

10 THE JUROR: He's not in the area.

11 THE COURT: All right. And where is he on probation?

12 THE JUROR: Down Georgia.

13 THE COURT: All right. And can you tell us what he's
14 on probation for?

15 THE JUROR: Drugs.

16 THE COURT: And is there anything about your son's
17 experience as a defendant in that case that you think might
18 cause you to favor one side over the other?

19 THE JUROR: No.

20 THE COURT: Thank you, Ms. Pastore.

21 I'm going to ask you to stand in hallway for just a
22 minute.

23 (The juror exited.)

24 THE COURT: I find her indifferent.

25 MR. CAPELESS: Commonwealth is content, Your Honor.

1 MR. FRANK: Content.

2 THE COURT: All right. Seat number two.

3 (The juror entered.)

4 THE COURT: Ms. Pastore, you have been selected to sit
5 as a juror in this case. You're going to be in seat number
6 two. We're not actually going to begin the trial today, so
7 I'm going to excuse you --

8 THE JUROR: Okay.

9 THE COURT: -- and ask you to come back on Thursday
10 morning at 9:30. Not tomorrow morning.

11 THE JUROR: Yes.

12 THE COURT: Thursday morning at 9:30.

13 THE JUROR: Okay.

14 THE COURT: Please do not discuss the fact that you --
15 well, do not discuss any aspect of this case with anyone.
16 You can certainly explain to your family and your friends
17 and your co-workers that you've been selected to sit on a
18 jury in a criminal case. Beyond that, I ask that you say no
19 more to them.

20 Also don't read any media reports, should there be any,
21 and don't make any effort to investigate any aspect of this
22 case yourself.

23 THE JUROR: Okay.

24 THE COURT: Thank you.

25 We will see you Thursday morning at 9:30.

1 THE JUROR: Thank you.

2 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 10

3 COURT OFFICER: Juror Number 10.

4 THE COURT: Ms. Nawrocki, good morning.

5 THE JUROR: Good morning.

6 THE COURT: Ms. Nawrocki, we anticipate this case will
7 take us four weeks to complete beginning at 9:00 in the
8 morning and proceeding from 1:00 or proceeding until 4:00 in
9 the afternoon, five days a week.

10 Bearing in mind that schedule, the importance of this
11 case, and our need for good jurors like you, are you
12 available to help us?

13 THE JUROR: On Wednesday and Thursday I babysit
14 grandchildren, 9, 10 and 5.

15 THE COURT: All right. Obviously this would interfere
16 with that schedule. Are there other people that can
17 accommodate the children's needs?

18 THE JUROR: No. My son works in Natick. The other
19 grandmother is incapacitated.

20 THE COURT: Would it be a hardship for your family if
21 you were unable to attend to their needs?

22 THE JUROR: It would.

23 THE COURT: You are excused.

24 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 11

25 COURT OFFICER: Juror Number 11.

1 THE COURT: Good morning. Is it Mr. Elton?

2 THE JUROR: Yes.

3 THE COURT: Mr. Elton, I see you have had some past
4 experience with the criminal justice system. Is there
5 anything about those experiences that you think would
6 prevent you from acting fairly and impartially if selected
7 as a juror?

8 THE JUROR: No.

9 THE COURT: I don't mean to pry, but can you tell us,
10 this says whether it was you or someone else in your family,
11 was the person you referred to in your response you or
12 someone else in your family?

13 THE JUROR: Me.

14 THE COURT: All right. Can you tell us what the nature
15 of the crime was with which you were charged?

16 THE JUROR: Some assault and batteries, resisting
17 arrest.

18 THE COURT: Were you prosecuted here in this building?

19 THE JUROR: No, Westfield.

20 THE COURT: In Westfield, all right.

21 And was there anything about -- you already answered
22 this question, I think. Was there anything about those
23 experiences that you think would affect your ability to be
24 fair and impartial?

25 THE JUROR: No.

1 THE COURT: We anticipate this case will take us four
2 weeks to complete proceeding from 9:00 in the morning to
3 4:00 in the afternoon. Bearing in mind that schedule and
4 the importance of this case, and our need for good jurors
5 like you, are you available to help us?

6 THE JUROR: Yes.

7 THE COURT: Have you read, seen or heard anything about
8 this case in the media or have you discussed it with anyone?

9 THE JUROR: Yes.

10 THE COURT: And can you tell me whether or not you've
11 discussed it or seen or heard about it in the media?

12 THE JUROR: Both.

13 THE COURT: All right. And what media reports do you
14 recall seeing or hearing?

15 THE JUROR: Television news, newspaper.

16 THE COURT: And how recent?

17 THE JUROR: I can't recall exactly.

18 THE COURT: All right. Was there anything about the
19 content of the reports that you think would interfere with
20 your ability to be fair to both sides as a fair and
21 impartial juror?

22 THE JUROR: No.

23 THE COURT: And how about the discussions, with whom
24 did you discuss the case?

25 THE JUROR: Co-workers.

1 THE COURT: All right. And can you tell us just in a
2 general sense the nature of those conversations?

3 THE JUROR: I can't recall to be honest.

4 THE COURT: Was there anything about those
5 conversations that you think might affect your ability to be
6 fair to both sides?

7 THE JUROR: I don't believe so.

8 THE COURT: Did you see the list of witnesses that
9 might be called in the case?

10 THE JUROR: I did.

11 THE COURT: Did you recognize any names?

12 THE JUROR: I didn't.

13 THE COURT: Did you respond to any of my earlier
14 questions about raising your hand or your card?

15 THE JUROR: I did.

16 THE COURT: Do you recall which questions?

17 THE JUROR: I am almost completely deaf in one ear and
18 very hard of hearing in the other. I have trouble.

19 THE COURT: All right. Were you able to hear all of my
20 questions?

21 THE JUROR: I believe so.

22 THE COURT: Ms. Capeless.

23 THE JUROR: It was the law enforcement question, Your
24 Honor.

25 THE COURT: There was one question related to whether

1 or not you know or have any friends or family members
2 involved in law enforcement or in the past.

3 THE JUROR: My father was a police officer.

4 THE COURT: Is there anything about your relationship
5 with your father or his line of work that you think could
6 affect a your ability to be fair?

7 THE JUROR: No.

8 THE COURT: Is there any other reason why you think you
9 might not be able to be fair, whether I asked about it or
10 not?

11 THE JUROR: No.

12 THE COURT: Have you or any member of your family ever
13 been the victim of a crime of violence?

14 THE JUROR: No.

15 THE COURT: There may be evidence in this case that
16 Mr. Hall, a co-defendant, had some affiliation with the
17 Hells Angels Motorcycle Club and this defendant, Mr. Chalue,
18 has some affiliation with the Aryan Brotherhood. If you
19 were to hear such evidence, would that evidence alone affect
20 your ability to be fair and impartial?

21 THE JUROR: No.

22 THE COURT: There may be evidence in this case, or will
23 be evidence that Robert Chadwell, one of the victims in this
24 case was African American. The defendant is Caucasian.
25 Would those facts alone affect your ability to be fair and

1 impartial?

2 THE JUROR: No.

3 THE COURT: The defendant has an absolute right to
4 remain silent if he exercises that right and does not
5 testify in this trial would you hold that against him in any
6 way?

7 THE JUROR: No.

8 THE COURT: There may be evidence in this case that the
9 victims' bodies were dismembered. If you were to hear that
10 evidence, would it affect your ability to be fair?

11 THE JUROR: No.

12 THE COURT: There may be evidence of -- graphic in
13 nature of the photographs of the bodies. Would you be able
14 to be fair if you were able to see that kind of evidence?

15 THE JUROR: Yes.

16 THE COURT: Again, there's -- can you think of any
17 reason, whether I asked about it or not, why you would not
18 be fair if selected?

19 THE JUROR: No.

20 THE COURT: Bear with me for just a moment.

21 Thank you. I'm going to ask you to step into the
22 hallway for just a moment.

23 (The juror exited.)

24 THE COURT: I find him indifferent.

25 MR. CAPELESS: The Commonwealth challenges this juror,

1 Your Honor.

2 THE COURT: Very well.

3 Mr. Elton, thank you for your service this morning.

4 You have been excused.

5 THE JUROR: Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 13

7 COURT OFFICER: Juror Number 13.

8 THE COURT: Is it Ms. Murca; is that correct?

9 THE JUROR: Yes.

10 THE COURT: Good morning.

11 THE JUROR: Good morning.

12 THE COURT: Ms. Murca, we anticipate this case will
13 take us four weeks to complete proceeding from 9:00 in the
14 morning to 4:00 in the afternoon on most days. Bearing in
15 mind that schedule, and the importance of this case, and our
16 need for good jurors like you, are you available to help us?

17 THE JUROR: I do have a scheduled vacation tomorrow.

18 THE COURT: All right.

19 THE JUROR: I'm supposed to be leaving in the morning.

20 THE COURT: And how long will that vacation last?

21 THE JUROR: I come back Sunday.

22 THE COURT: All right. And that's a prepaid vacation?

23 THE JUROR: Yeah.

24 THE COURT: You are excused.

25 THE JUROR: Okay.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 14

2 COURT OFFICER: Juror Number 14.

3 THE COURT: Mr. Cortez, good morning.

4 THE JUROR: Good morning.

5 THE COURT: Mr. Cortez, I see from your biographical
6 form that you had a family member involved in the criminal
7 justice system. Was there anything about that, your uncle's
8 experience as a defendant, that you think might affect your
9 ability to be fair in this case?

10 THE JUROR: No.

11 THE COURT: All right. Was it the same or a different
12 uncle that had law enforcement experience?

13 THE JUROR: Same uncle.

14 THE COURT: All right. Is there anything about your
15 relationship with that uncle that you think might cause you
16 to favor one side over the other?

17 THE JUROR: No.

18 THE COURT: Did you raise your card in response to any
19 of my other questions?

20 THE JUROR: No.

21 THE COURT: We expect this case will take us four weeks
22 to complete, proceeding from 9:00 in the morning -- 9:30 in
23 the morning until 4:00 in the afternoon. Bearing in mind
24 that schedule, the importance of this case, and our need for
25 good jurors like you, are you available to help us?

1 THE JUROR: I will have to say no.

2 THE COURT: All right. Tell me a little bit about your
3 conflict.

4 THE JUROR: Due to military service, that's what I do
5 full-time. I mean, I am sure I could be excused, but --

6 THE COURT: All right. So you're concerned about your
7 service in the military?

8 THE JUROR: Yes.

9 THE COURT: And not allowing you to serve as a juror?

10 THE JUROR: Yes.

11 THE COURT: That, I think we can get around. Is there
12 anything else?

13 THE JUROR: No.

14 THE COURT: All right. Then, let me ask a couple of
15 follow-up questions. Have you seen or heard anything about
16 this case in the media or have you discussed it with anyone?

17 THE JUROR: No.

18 THE COURT: Did you review the list of potential
19 witnesses that might be called?

20 THE JUROR: Yes, I did.

21 THE COURT: Did you recognize any names?

22 THE JUROR: No.

23 THE COURT: Have you or any family member ever been the
24 victim of a crime of violence?

25 THE JUROR: No.

1 THE COURT: There may be evidence in this case that one
2 of the co-defendants, Mr. Hall, was affiliated with the
3 Hells Angels Motorcycle Club and this defendant, Mr. Chalue,
4 has some affiliation with the Aryan Brotherhood. If you
5 were to hear such evidence, would that alone prevent you
6 from being a fair juror?

7 THE JUROR: No.

8 THE COURT: Robert Chadwell, one of the victims in this
9 case was African American, Mr. Chalue is Caucasian. Would
10 those facts alone interfere with your ability to be fair and
11 impartial?

12 THE JUROR: No.

13 THE COURT: The defendant has an absolute right to
14 remain silent. If he excises that right and were not to
15 testify in this trial, would you hold that against him in
16 any way?

17 THE JUROR: Yes.

18 THE COURT: You are excused.

19 THE JUROR: Thank you.

20 MR. FRANK: Judge, before the next potential --

21 THE COURT: Yes.

22 MR. FRANK: In several places you've questioned about
23 whether those facts alone would affect their ability to be
24 impartial. And as I think about it, I think that may be too
25 restrictive. While I understand they may end up considering

1 that a potential fact, particular facts about the Aryan
2 Brothers, and we can certainly inquire further, but I think
3 that alone is too narrow a category, specifically the Aryan
4 Brotherhood in regards to this case.

5 THE COURT: The question is specific to membership in
6 those organizations so that is all I'm asking about, those
7 facts alone.

8 But, is your preference that I not use that term? I
9 don't think it's misleading because there are other
10 questions designed to address other issues.

11 I will try to refrain from using the word "alone" if it
12 troubles you.

13 MR. FRANK: Thank you very much, Your Honor.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 15

15 COURT OFFICER: Juror Number 15, Your Honor.

16 THE COURT: Good morning, ma'am.

17 THE JUROR: Good morning.

18 THE COURT: Is it Ms. Larivee; is that correct?

19 THE JUROR: Larivee.

20 THE COURT: Ms. Larivee, we anticipate this case will
21 take approximately four weeks to complete, proceeding from
22 9:00 in the morn -- 9:30 in the morning until 4:00 in the
23 afternoon.

24 Bearing in mind that schedule, the importance of this
25 case and our need for good jurors like you have, are you

1 available to help us?

2 THE JUROR: I'm going through a divorce right now. I
3 have court case of my own next week. I don't know if that
4 is --

5 THE COURT: I understand that and sympathize with your
6 desire to participate in that process. If your concern is
7 whether or not you can adjust that date, based on your
8 participation in this case, I'm confident that the answer is
9 yes. Beyond that, is there any other reason based on your
10 schedule that you think would make it difficult for you to
11 participate?

12 THE JUROR: No more than normal, I would guess.

13 THE COURT: All right. Let me ask a couple of
14 follow-up questions. Did you have a chance to look at the
15 list of potential witnesses that might be called?

16 THE JUROR: I did.

17 THE COURT: Did you recognize any names?

18 THE JUROR: One, yes.

19 THE COURT: Who's name was that.

20 THE JUROR: Eric Fox.

21 THE COURT: And how do you know Mr. Fox?

22 THE JUROR: He was a friend of someone I dated for
23 awhile.

24 THE COURT: All right. And do you have an ongoing
25 social relationship with him?

1 THE JUROR: No.

2 THE COURT: And was your relationship at that point in
3 time social in nature?

4 THE JUROR: Yes.

5 THE COURT: How long ago was it?

6 THE JUROR: About 10 years.

7 THE COURT: And would you say that you knew him well?

8 THE JUROR: We hung out.

9 THE COURT: All right. I'm sorry, I don't mean to pry.

10 Assume for the moment that Mr. Fox does in fact
11 testify. Would your past relationship with Mr. Fox case you
12 to view his testimony in a way that might be different than
13 anyone else?

14 THE JUROR: I would think so.

15 THE COURT: You are excused.

16 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 17

17 COURT OFFICER: Juror Number 17.

18 THE COURT: Mr. Crawford, good morning.

19 THE JUROR: Hello.

20 THE COURT: Mr. Crawford, we anticipate this case will
21 take four weeks to complete, proceeding from 9:30 in the
22 morning until 4:00 in the afternoon.

23 Bearing in mind that schedule and the importance of
24 this case and our need for good jurors like you, are you
25 available to help us?

1 THE JUROR: Not really.

2 THE COURT: Why not?

3 THE JUROR: I work.

4 THE COURT: All right. I'm sure you can imagine that
5 most of the people seated here today work. All right.

6 And your job, is it Premier Transportation?

7 THE JUROR: Yeah.

8 THE COURT: And what do you do there?

9 THE JUROR: It's shipping and receiving, unload and
10 load trailers.

11 THE COURT: Beyond the fact that you work, is there any
12 other reason why serving as a juror for that particular time
13 would create a substantial hardship?

14 THE JUROR: I just don't feel comfortable.

15 THE COURT: What is it that you don't feel comfortable?

16 THE JUROR: Someone being in trouble again that did bad
17 things.

18 THE COURT: All right. Well, let me ask you a question
19 related to that. No one, of course, likes to hear that
20 someone has been accused of doing bad things. Is there
21 anything about the accusations against the defendant in this
22 case that you think might prevent you from being a fair
23 juror?

24 THE JUROR: No.

25 THE COURT: You're just uncomfortable hearing about

1 those accusations?

2 THE JUROR: Yeah.

3 THE COURT: Do you think you could you follow my
4 instructions as to how you should treat the evidence despite
5 the fact you're uncomfortable?

6 THE JUROR: I don't think so.

7 THE COURT: You're excused.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 18

9 THE JUROR: Your Honor.

10 THE COURT: Mr. Ilnicki, good morning.

11 THE JUROR: Hi.

12 THE COURT: Mr. Ilnicki we anticipate this case will
13 take four weeks to complete, proceeding from 9:30 in the
14 morning until 4 o'clock in the afternoon most days.

15 Bearing in mind that schedule, the importance of the
16 case and our need for good jurors like you, are you
17 available to help us?

18 THE JUROR: Yes.

19 THE COURT: All right. I see from your biographical
20 form that you or someone in your family has had experience
21 with the criminal justice system before. Was that you or
22 someone else in your family?

23 THE JUROR: Both.

24 THE COURT: Let's start with you. I don't mean to pry
25 here but it's important that we all understand this. What

1 were the charges against you that you were convicted of?

2 THE JUROR: Driving without a license three or four
3 times.

4 THE COURT: All right. And with respect to other
5 family members, what was the nature of that charge and your
6 relationship?

7 THE JUROR: My brother Frank has been -- spent a little
8 time in jail. My brother Paul spent a few years in jail.
9 My brother John spent a few years in jail.

10 THE COURT: All right do you recall the nature of the
11 charges?

12 THE JUROR: Drugs, a gun.

13 THE COURT: All right. Did you review the list of
14 potential witnesses?

15 THE JUROR: Yes, I did.

16 THE COURT: And did you know any of them?

17 THE JUROR: No.

18 THE COURT: Was there anything about the experiences
19 that you or your brothers have had with the criminal justice
20 system that you think might cause you to favor one side over
21 the other?

22 THE JUROR: Possibly.

23 THE COURT: You are excused.

24 THE JUROR: Thank you.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 19

1 COURT OFFICER: Juror Number 19.

2 THE COURT: Is it Mr. Dygon?

3 THE JUROR: Yes.

4 THE COURT: Good morning.

5 THE JUROR: Good morning.

6 THE COURT: Mr. Dygon we expect this case will take
7 four weeks to complete proceeding from 9:30 in the morning
8 until 4 o'clock most days.

9 Bearing in mind that schedule, the importance of this
10 case and our need for good jurors like you, are available to
11 help us?

12 THE JUROR: Yes.

13 THE COURT: Did you look at that list of potential
14 witnesses?

15 THE JUROR: Yes.

16 THE COURT: Did you recognize any of the names?

17 THE JUROR: No.

18 THE COURT: Have you read, seen or heard anything about
19 the case in the media or have you discussed it with anybody?

20 THE JUROR: No.

21 THE COURT: Have you or any family member ever been the
22 victim of a crime of violence?

23 THE JUROR: No.

24 THE COURT: There may be evidence in this case that one
25 of the co-defendants Mr. Hall was affiliated with the Hells

1 Angels Motorcycle Club and this defendant, Mr. Chalue, has
2 some affiliation with the Aryan Brotherhood.

3 Would those facts affect your ability to act as a fair
4 and impartial juror?

5 THE JUROR: No.

6 THE COURT: There will also likely be evidence that
7 Mr. Robert Chadwell, one of the victims, was African
8 American. Mr. Chalue is Caucasian. Would those facts
9 affect your ability to be fair to both sides?

10 THE JUROR: No.

11 THE COURT: The defendant has an absolute right to
12 remain silent. If he exercises that right and chooses not
13 to testify at this trial, would you hold that against him in
14 any way?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that the
17 victims' bodies were dismembered. If you were to hear that
18 kind of evidence, would that affect your ability to be fair
19 and impartial?

20 THE JUROR: No.

21 THE COURT: There may also be photographs of the bodies
22 introduced into evidence. If those photographs were viewed
23 by you and if they are graphic in nature, would that affect
24 your ability to be fair?

25 THE JUROR: No.

1 THE COURT: Can you think of any reason, whether I have
2 asked about it or not, why you would not be fair if
3 selected?

4 THE JUROR: No reason.

5 THE COURT: All right. Thank you. I'm going to ask
6 you to step back in the hallway for just a minute.

7 (The juror exited.)

8 THE COURT: Did I ask whether or not he had responded
9 to any of my earlier questions?

10 MR. CAPELESS: I don't -- I have that he answered about
11 law enforcement and also impediment or other problem.

12 MR. FRANK: We have that too.

13 THE COURT: I'm sorry. What was the second one,
14 Mr. Capeless?

15 MR. CAPELESS: Whether he had some sort of impediment
16 that would prevent service, physical problem or something.

17 THE COURT: Thank you.

18 (The juror entered.)

19 THE COURT: Mr. Dygon, I'm sorry, I forgot to ask you a
20 couple of questions.

21 THE JUROR: Okay.

22 THE COURT: When you responded earlier by raising your
23 card in response to my questions, you recall which questions
24 those were?

25 THE JUROR: I think it was having something to do with

1 law enforcement.

2 THE COURT: Do you have a friend or family member?

3 THE JUROR: Yeah, my brother-in-law.

4 THE COURT: What does he do?

5 THE JUROR: He's a detective in Chicopee.

6 THE COURT: Does your relationship with him or his line
7 of work, is that something that you think might cause you to
8 favor one side over the other in this case?

9 THE JUROR: No.

10 THE COURT: Did you respond to any other questions that
11 I asked earlier?

12 THE JUROR: No.

13 THE COURT: All right. Thank you. I'm going to ask
14 you to step back.

15 (The juror exited.)

16 THE COURT: I find him indifferent.

17 MR. CAPELESS: Commonwealth is content with this juror.

18 MR. FRANK: May I just have one moment?

19 THE COURT: You may.

20 (Off the record discussion with Defense Counsel and The
21 Defendant.)

22 MR. FRANK: We exercise a peremptory.

23 THE COURT: Very well.

24 (The juror entered.)

25 THE COURT: Mr. Dygon, you have been excused. Thank

1 you for your service.

2 THE JUROR: Thank you.

3 (The juror exited.)

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 20

5 COURT OFFICER: Juror Number 20.

6 THE COURT: Mr. Anderson, good morning.

7 THE JUROR: Good morning.

8 THE COURT: Mr. Anderson, we expect this case will take
9 four weeks to complete, roughly speaking, proceeding from
10 9:30 in the morning until 4:00 in the afternoon.

11 Bearing in mind that schedule, the importance of the
12 case, and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: No.

15 THE COURT: Why not?

16 THE JUROR: I'm a foreman of a trucking company -- for
17 a construction company, and on-call firefighter for training
18 in Town of West Brookfield and arson investigator so I have
19 to be on call.

20 THE COURT: Well, I'm sure you understand that most of
21 the people who are here have jobs as well. Is there
22 something about your line of work that would cause you a
23 particular hardship?

24 THE JUROR: Yes. I have very few workers for me in the
25 construction company and we work lengthy hours already, so.

1 THE COURT: And do you think that if you were selected
2 as a juror, your responsibilities would distract you from --

3 THE JUROR: Very much so.

4 THE COURT: You're excused.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 21

6 THE COURT: Good morning. I am trying to read your
7 writing.

8 THE JUROR: Good morning.

9 THE COURT: Is it -- I'm trying to read your writing
10 here. Is it Ms. Ganhao?

11 THE JUROR: Ganhao.

12 THE COURT: Ms. Ganhao, good morning again. We
13 anticipate this case will take approximately four weeks to
14 complete proceeding from 9:30 in the morning until 4:00 in
15 the afternoon.

16 Bearing in mind that schedule, the importance of this
17 case and our need for good jurors like you, are you
18 available to help us?

19 THE JUROR: Yes.

20 THE COURT: Did you get a chance to look at that list
21 of potential witnesses?

22 THE JUROR: I did.

23 THE COURT: Did you recognize any of the names?

24 THE JUROR: Not one.

25 THE COURT: Did you respond to any of my earlier

1 questions by raising your card?

2 THE JUROR: No.

3 THE COURT: Have you heard, seen -- or have you heard
4 or seen anything about this case in the media reports or
5 have you discussed it with anyone?

6 THE JUROR: On the media.

7 THE COURT: All right. Can you tell me whether that
8 was print or broadcast media?

9 THE JUROR: Broadcast.

10 THE COURT: How long ago was the report that you saw,
11 roughly?

12 THE JUROR: Probably when it first came out.

13 THE COURT: All right.

14 THE JUROR: And this morning on 22 News.

15 THE COURT: All right. And what was the, roughly
16 speaking, the content of what you heard this morning?

17 THE JUROR: That they were selecting jurors for this
18 case.

19 THE COURT: Was there anything about the media report
20 you heard today or when it first came out that you think
21 might interfere with your ability to be a fair and impartial
22 juror?

23 THE JUROR: No.

24 THE COURT: Have you or any close family members ever
25 been the victim of a crime of violence?

1 THE JUROR: No.

2 THE COURT: There may be evidence in this case that one
3 of the co-defendants, Mr. Hall, had some affiliation with
4 the Hells Angels Motorcycle Club and that this defendant,
5 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
6 If you were to hear such evidence, would that prevent you
7 from being a fair and impartial juror?

8 THE JUROR: No.

9 THE COURT: Robert Chadwell, one of the victims in this
10 case was African American. Mr. Chalue was Caucasian.

11 Would those facts prevent you from acting fairly and
12 impartially?

13 THE JUROR: No.

14 THE COURT: The defendant has an absolute right to
15 remain silent. If he were to exercise that right in this
16 trial and chose not to testify, would you hold that against
17 him?

18 THE JUROR: No.

19 THE COURT: There may be evidence in this case that the
20 victims' bodies were dismembered. There may be also graphic
21 photographs of the bodies introduced. If you were to see
22 and hear that kind of evidence, would that prevent you from
23 acting fairly and impartially?

24 THE JUROR: Maybe.

25 THE COURT: Let me ask you this question as a

1 follow-up. No one, of course, likes to be exposed to that
2 kind of information, and in some people it evokes an
3 emotional response, one of disgust or something similar. If
4 I were to instruct you that you could not allow your
5 emotional reaction to any evidence, including those
6 photographs dictate your decision regarding the facts in
7 this case, do you think you could follow that instruction?

8 THE JUROR: Yes.

9 THE COURT: All right. And bearing that in mind, do
10 you think that simply being exposed to that kind of evidence
11 would prevent you from being fair and impartial?

12 THE JUROR: No.

13 THE COURT: Is there any other reason, whether I ask
14 about it or not, why you think you could not be fair if
15 selected as a juror?

16 THE JUROR: No.

17 THE COURT: Thank you. I'm going to ask you to step
18 back into the hallway for just a minute.

19 THE JUROR: Okay.

20 (The juror exited.)

21 THE COURT: I find her indifferent.

22 MR. CAPELESS: Commonwealth is content with this juror,
23 Your Honor.

24 MR. FRANK: Content.

25 THE COURT: Very well.

1 (The juror entered.)

2 THE COURT: Ms. Ganhao --

3 THE JUROR: Yes.

4 THE COURT: -- you have been selected to sit as a juror
5 in this case. You're going to be in seat number three.

6 We're actually not going to start the trial today.

7 THE JUROR: Okay.

8 THE COURT: So I'm going to excuse you and ask you to
9 return on Thursday morning, not tomorrow, but Thursday
10 morning at 9:30. The Court Officers will explain to you
11 where you report. It is important between now and then you
12 not discuss the case with anyone.

13 You can feel free to explain to friends or co-workers
14 or family that you have been selected to sit on a jury for
15 your own scheduling purposes, but beyond the fact that it is
16 a criminal case, I ask that you say no more.

17 Please don't make any effort to personally investigate
18 any aspect of this case. And also, do not view any media
19 reports of any kind, should there be any.

20 Thank you for your time this morning and we will see
21 you Thursday morning at 9:30.

22 THE JUROR: Okay. Thank you.

23 (The juror exited.)

24 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 23

25 COURT OFFICER: Juror Number 23, Your Honor.

1 THE COURT: Ms. Barklow, good morning.

2 THE JUROR: Good morning.

3 THE COURT: Ms. Barklow, did you respond to any of my
4 earlier questions by raising your card?

5 THE JUROR: No.

6 THE COURT: We expect this case will take four weeks to
7 complete, proceeding from 9:30 each morning until 4:00 in
8 the afternoon.

9 Bearing in mind that schedule, the importance of this
10 case, and our need for good jurors like you, are you
11 available to help us?

12 THE JUROR: Yes.

13 THE COURT: Did you get a chance to look at that list
14 of potential witnesses?

15 THE JUROR: Yes.

16 THE COURT: Did you recognize any names?

17 THE JUROR: No.

18 THE COURT: Have you read, seen, or heard anything
19 about this case on the media or have you discussed it with
20 anyone?

21 THE JUROR: No.

22 THE COURT: Have you or any member of your family ever
23 been the victim of a crime of violence?

24 THE JUROR: No.

25 THE COURT: There may be evidence in this case that one

1 of the co-defendants, Mr. Hall, has some affiliation with
2 the Hells Angels Motorcycle Club and this defendant,
3 Mr. Chalue, has some affiliation with the Aryan Brotherhood.
4 Would that kind of evidence, should you hear it, interfere
5 with your ability to be a fair juror?

6 THE JUROR: No.

7 THE COURT: Robert Chadwell, one of the victims in this
8 case was African American. Mr. Chalue is Caucasian. Would
9 those facts alone prevent you from acting as a fair and
10 impartial juror?

11 THE JUROR: No.

12 THE COURT: The defendant in this case has an absolute
13 right to remain silent. If he exercises that right and does
14 not testify, would you hold that against him in any way?

15 THE JUROR: No.

16 THE COURT: There may be evidence in this case that the
17 victims' bodies were dismembered and you may see graphic
18 photographs regarding the condition of the body. If you
19 were to see and hear such evidence, would that prevent you
20 from acting fairly and impartially?

21 THE JUROR: No.

22 THE COURT: Is there any other reason, whether I asked
23 about it or not, why you don't think you would be able to be
24 fair?

25 THE JUROR: No.

1 THE COURT: All right. Thank you.

2 I'm going to ask you to step back into the hallway for
3 just a moment.

4 (The juror exited.)

5 THE COURT: I find her indifferent.

6 MR. CAPELESS: The Commonwealth is content with this
7 juror, Your Honor.

8 THE COURT: Very well.

9 MR. FRANK: Content.

10 THE COURT: Very well.

11 (The juror entered.)

12 THE COURT: Ms. Barklow, you have been selected to sit
13 as a juror in this case. You're going to be in seat number
14 four. We're actually not going to start the trial today.
15 We're going to start it on Thursday, so I'm going to excuse
16 you and ask you to return on Thursday at 9:30.

17 The Court Officers will explain where you would report.

18 During the time between now and Thursday, please don't
19 discuss the case with anyone.

20 You can certainly explain you have been selected to sit
21 as a juror in a criminal case, but beyond that, I ask that
22 you say no more except the anticipated duration of the case.

23 Also, please don't read any media reports or observe
24 any media reports should there be any and don't make any
25 effort to personally investigate the case in any way.

1 Thank you for your time this morning and I will see you
2 on Thursday.

3 THE JUROR: The only thing I'm concerned about now is
4 my job.

5 THE COURT: Well, you are a personal care attendant?

6 THE JUROR: Yes.

7 THE COURT: And what is the concern you have about your
8 job?

9 Obviously, anyone that has a job that is selected to
10 sit as a juror in this case for four weeks would have some
11 adjustments to make. And so, I hear your general concern
12 but I'm not going to excuse you for that reason.

13 THE JUROR: Okay.

14 THE COURT: Thank you for bringing that to my
15 attention.

16 THE JUROR: Okay. Thank you.

17 THE COURT: See you Thursday morning.

18 (The juror exited.)

19 THE COURT: You look puzzled, Mr. Capeless.

20 Could we ask that juror to hold for just a moment?

21 MR. CAPELESS: I only just request if jurors raise the
22 issue about their job, some of them raise the issue that,
23 you know, people need me at work or things of this nature,
24 but I think people at times might be afraid to say this is
25 going to cause a financial hardship I'm not going to get

1 paid, and I think that should be asked of the jurors.

2 THE COURT: All right.

3 Mr. Frank, you wish to weigh in on this?

4 MR. FRANK: I think that's actually a good point.

5 THE COURT: All right. If you could have that last
6 juror come in.

7 (The juror entered.)

8 THE COURT: Ms. Barklow, I want to ask a followup
9 question that -- on the last question you raised regarding
10 your employment.

11 Would you suffer a financial hardship if you were
12 unable to work for four weeks?

13 THE JUROR: Yeah, without no income I would suffer.

14 THE COURT: And do you believe that that hardship would
15 potentially distract you if you were seated as a juror?

16 THE JUROR: Yes.

17 THE COURT: You are excused.

18 THE JUROR: Okay. Thank you.

19 (The juror exited.)

20 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 24

21 COURT OFFICER: Juror Number 24, Your Honor.

22 THE COURT: Mr. Cosgrove, good morning.

23 THE JUROR: Hi, good morning.

24 COURT OFFICER: Right there.

25 THE COURT: You could just stand there, if you would.

1 THE JUROR: Oh.

2 THE COURT: It's okay.

3 Mr. Cosgrove, we anticipate this case will take four
4 weeks to complete proceeding from 9:30 in the morning until
5 4:00 in the evening most days.

6 Bearing in mind that schedule, the importance of the
7 case and our need for good jurors like you, are you
8 available to help us?

9 THE JUROR: I can. I am a supervisor at a group home
10 with four mentally challenged guys. They get medicated four
11 times a day. I know if I'm not there, the behavior issues
12 really reflects that.

13 THE COURT: Is there someone else that would operate in
14 your stead if you were not there?

15 THE JUROR: Yeah, I mean, these guys go on a -- routine
16 is major part of their deal. If I'm not there, even a week
17 vacation can be chaos when I come back; but there is
18 staffing there.

19 THE COURT: All right. And from time to time, do you
20 to take vacations?

21 THE JUROR: Yeah, yeah.

22 THE COURT: So the concern you're expressing is really
23 for the people that live at the group home as opposed to
24 yourself?

25 THE JUROR: Right.

1 THE COURT: All right. Did you get a chance to look at
2 the list of witnesses?

3 THE JUROR: Yes.

4 THE COURT: Did you recognize any names?

5 THE JUROR: Kate Crowley. I may have worked with in
6 the past.

7 THE COURT: All right. And is your -- how long ago
8 would that have been?

9 THE JUROR: Probably years, probably a few years.

10 THE COURT: If Kate Crowley were to testify in this
11 case, as a result of the relationship that you used to have,
12 do you think you would place that witness' testimony on a
13 different level than any other witness?

14 THE JUROR: No.

15 THE COURT: Have you read seen or heard anything about
16 this case from the media or have you discussed it with
17 anyone?

18 THE JUROR: No.

19 THE COURT: Have you or any close family members ever
20 been the victim of a crime of violence?

21 THE JUROR: No.

22 THE COURT: Did you respond to any of my earlier
23 questions by raising your card?

24 THE JUROR: Just about the one about being dismissed
25 before at another jury.

1 THE COURT: Previously sat?

2 THE JUROR: Yeah.

3 THE COURT: All right. And what kind of case was that?

4 THE JUROR: I don't remember.

5 THE COURT: All right.

6 THE JUROR: It was years ago.

7 THE COURT: You actually did not serve?

8 THE JUROR: Right.

9 THE COURT: I see.

10 The evidence in this case may include some evidence
11 that a co-defendant, Mr. Hall, had some affiliation with the
12 Hells Angels Motorcycle Club and that this defendant had
13 some affiliation with the Aryan Brotherhood. Would that
14 kind of evidence prevent you from acting fairly and
15 impartially as a juror?

16 THE JUROR: No.

17 THE COURT: Robert Chadwell, one of the victims in the
18 case was African American and the defendant, Mr. Chalue, is
19 Caucasian. Would these facts prevent you from acting fairly
20 and impartially if selected as a juror?

21 THE JUROR: No.

22 THE COURT: The defendant has a right to remain silent
23 in this trial. If he exercises that right and doesn't
24 testify, would you hold that against him in any way?

25 THE JUROR: No.

1 THE COURT: There may be evidence in this case that the
2 victims' bodies were dismembered and you may see photographs
3 that some might consider to be graphic. If you're selected
4 as a juror, would that kind of evidence prevent you from
5 acting fairly and impartially if selected as a juror?

6 THE JUROR: No.

7 THE COURT: Is there some other reason that I have not
8 asked that would prevent you from acting fairly and
9 impartially if selected?

10 THE JUROR: No.

11 THE COURT: Thank you. I am going to ask you to step
12 out into the hallway for just a moment.

13 (The juror exited.)

14 THE COURT: I find him indifferent.

15 MR. CAPELESS: The Commonwealth is content with this
16 juror, Your Honor.

17 MR. FRANK: Defense is content.

18 THE COURT: Very well.

19 (The juror entered.)

20 THE COURT: Mr. Cosgrove, you have been selected to sit
21 as a juror. You are going to be in seat number four.

22 We're actually not going to start the trial today, so
23 I'm going to excuse you and ask you to return not tomorrow
24 morning, but Thursday morning, when the trial will begin.

25 Please, during the time that you are free, from now

1 until then, don't discuss the case with anyone other than
2 the fact that you have been selected as a juror, don't
3 observe any media reports of this case should there be any
4 and don't make any effort to independently investigate any
5 aspects of this case.

6 We will see you Thursday morning at 9:30.

7 THE JUROR: 9:30 Okay.

8 (The juror exited.)

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 25

10 COURT OFFICER: Juror Number 25.

11 THE COURT: Ms. Restivo, good morning.

12 THE JUROR: Hi.

13 THE COURT: I just read your biographical form and I
14 see you have some strong feelings about particular kinds of
15 criminal activity.

16 THE JUROR: Uh-huh.

17 THE COURT: Based on what you've now heard about this
18 case, are those feelings such that you feel you could not be
19 fair and impartial if selected?

20 THE JUROR: Probably not.

21 THE COURT: Can you articulate that for me so I can
22 make an informed decision?

23 THE JUROR: When I hear those words -- stabbing,
24 shooting and kidnapping, I pretty much closed my mind to it.
25 No, you know, fault of any people but that's just how I

1 feel. I teach school with kids, so automatically I --

2 THE COURT: Sorry to hear that you are not able to keep
3 an open mind. You are excused.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 26

5 COURT OFFICER: Juror Number 26.

6 THE COURT: Mr. Bates, good morning.

7 THE JUROR: Hello.

8 THE COURT: Mr. Bates, we anticipate -- you may stop
9 right there.

10 Mr. Bates we anticipate this case will take four weeks
11 to complete, proceeding from 9:30 in the morning until 4:00
12 in the afternoon most days.

13 Bearing in mind that schedule, the importance of this
14 case and our need for good jurors like you, are you
15 available to help us?

16 THE JUROR: No.

17 THE COURT: Why is that?

18 THE JUROR: Because where my work is right now we're
19 sort of short a couple of guys, and we just got a new bailer
20 at my work and we're installing it and we're really short
21 right now and they really need me.

22 THE COURT: And do you think your absence from work
23 would create a financial hardship for you?

24 THE JUROR: For that long, yes.

25 THE COURT: You are excused.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 28

2 COURT OFFICER: Juror Number 28.

3 THE COURT: Good morning, is it Mr. Quiles?

4 THE JUROR: Yes.

5 THE COURT: Mr. Quiles, we anticipate this case will
6 take us four weeks to complete proceeding from 9:30 in the
7 morning until 4:00 in the afternoon.

8 Bearing in mind that schedule, the importance of this
9 case, and our need for good jurors like you, are you
10 available to help us?

11 THE JUROR: I drive a school bus so I'm on vacation
12 this week. I start back to work next week. Unless I can
13 take time off, I have to talk to my supervisor. I would be
14 more than willing to.

15 THE COURT: All right. And do you think that
16 adjustment in what will be your typical schedule is
17 something that is possible?

18 THE JUROR: Yes, it is.

19 THE COURT: All right. Did you get a chance to look at
20 the list of potential witnesses?

21 THE JUROR: I did.

22 THE COURT: Did you recognize any names?

23 THE JUROR: Nobody.

24 THE COURT: Have you seen or heard anything about this
25 case on the media or have you discussed it with anyone?

1 THE JUROR: I don't think so.

2 THE COURT: Did you respond to any of my earlier
3 questions about raising your card?

4 THE JUROR: Yes.

5 THE COURT: Do you recall which ones?

6 THE JUROR: I wasn't sure. That's why I raised it.

7 THE COURT: And what was the nature of the question?

8 THE JUROR: Its was the second question you asked.

9 THE COURT: All right. Miss Capeless, perhaps you can
10 help me on that.

11 THE CLERK: I think, I believe it was the law
12 enforcement.

13 THE JUROR: Law enforcement question, Your Honor.

14 THE COURT: Do you know some friends or family members
15 that work for law enforcement?

16 THE JUROR: Yes, I do.

17 THE COURT: What's the nature of your relationship to
18 that person?

19 THE JUROR: Close friend.

20 THE COURT: Is it -- is the person related to you?

21 THE JUROR: No, not blood, no.

22 THE COURT: Close friends you said?

23 THE JUROR: Yes.

24 THE COURT: I'm sorry. And where does that person
25 work?

1 THE JUROR: He's a State Trooper.

2 THE COURT: What is his name?

3 THE JUROR: Nelson Jay Zayas, Z-A-Y-A-S.

4 THE COURT: Is there anything about your relationship
5 with Mr. Zayas or his line of work that you think might
6 cause you to favor one side over the other in this case?

7 THE JUROR: No.

8 THE COURT: Have you or any family ever been the victim
9 of a crime of violence?

10 THE JUROR: No.

11 THE COURT: There may be evidence in this case that one
12 of the co-defendant's, Mr. Hall, had some affiliation with
13 the Hells Angels Motorcycle Club and that Mr. Chalue, the
14 defendant in this action, has some affiliation with the
15 Aryan Brotherhood.

16 If you were to hear such evidence, would that evidence
17 prevent you from acting fairly and impartially?

18 THE JUROR: No.

19 THE COURT: Robert Chadwell, one of the victims in this
20 case, was African American and Mr. Chalue was Caucasian.
21 Would those facts prevent you from acting fairly and
22 impartially?

23 THE JUROR: No.

24 THE COURT: The defendant in this case has an
25 absolutely right to remain silent. If he exercises that

1 right and does not testify, would you hold that against him?

2 THE JUROR: No.

3 THE COURT: There may be evidence in this case that the
4 victims' bodies were dismembered and you may see photographs
5 of -- that might be considered graphic in nature. Would
6 that kind of evidence prevent you from acting as a fair and
7 impartial juror?

8 THE JUROR: No.

9 THE COURT: Can you think of any other reason, whether
10 I asked about it or not, why you would not be fair if you
11 were selected so sit as a juror?

12 THE JUROR: No, I cannot.

13 THE COURT: All right. Thank you Mr. Quiles, I'm going
14 to ask you to step back in the hallway just for just a
15 minute.

16 THE JUROR: You're welcome, sir.

17 (The juror exited.)

18 THE COURT: I find him indifferent.

19 MR. CAPELESS: Commonwealth is content with this juror,
20 Your Honor.

21 (Pause)

22 MR. FRANK: We'd exercise a peremptory, Your Honor.

23 THE COURT: Very well. Mr. Quiles, thank you for your
24 service. You have been excused.

25 THE JUROR: Thank you very much, sir.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 32

2 COURT OFFICER: Juror Number 32.

3 THE COURT: Mr. Williams, good morning.

4 THE JUROR: Good morning.

5 THE COURT: We expect, Mr. Williams, that this case
6 will take roughly four weeks to complete, proceeding from
7 9:30 in the morning until 4:00 in the afternoon most days.

8 Bearing in mind that schedule, the importance of this
9 case, and our need for good jurors like you, are you
10 available to help us?

11 THE JUROR: Yes.

12 THE COURT: Did you get a chance to look at that list
13 of potential witnesses?

14 THE JUROR: Yes, I did.

15 THE COURT: Did you recognize any names?

16 THE JUROR: No one.

17 THE COURT: Have you read, seen or heard anything about
18 this case in the media or discussed it with anyone?

19 THE JUROR: I heard things maybe a month or so again,
20 but I never really discussed anything with anyone.

21 THE COURT: All right. Can you tell me what the source
22 of the information -- was it print media, broadcast media,
23 or what was it?

24 THE JUROR: Broadcast.

25 THE COURT: Do you recall generally the content of what

1 it was that you heard?

2 THE JUROR: I had heard that three people were killed.
3 That was about it.

4 THE COURT: All right. And is there anything about
5 what you recall hearing that you think might interfere with
6 your ability to act as a fair and impartial juror?

7 THE JUROR: No.

8 THE COURT: Did you raise your card in response to any
9 of the questions I asked earlier?

10 THE JUROR: No.

11 THE COURT: Have you or any family member ever been the
12 victim of a crime of violence?

13 THE JUROR: No -- I want to rephrase that. Yes.

14 THE COURT: All right. Can you tell me if it was you
15 or a family --

16 THE JUROR: It was my daughter.

17 THE COURT: All right. And did a criminal prosecution
18 result from that victimization?

19 THE JUROR: No.

20 THE COURT: And was there anything about that
21 experience that you shared with your daughter that you think
22 might affect your ability to act as a fair and impartial
23 juror in this case?

24 THE JUROR: No.

25 THE COURT: There may be evidence in this case that a

1 co-defendant, Mr. Hall, had some affiliation with the Hells
2 Angels Motorcycle Club and that this defendant, Mr. Chalue,
3 had some affiliation with the Aryan Brotherhood
4 organization. If you were to hear such evidence, would that
5 evidence prevent you from being a fair and impartial juror?

6 THE JUROR: If it was actual evidence, it is just what
7 it is.

8 THE COURT: All right. Well, let's assume that you
9 hear some evidence in the form of testimony or documents
10 that in fact those memberships or familiarities did exist.
11 If you were to hear that kind of evidence, would that
12 evidence affect your ability to be fair to both sides in
13 this case?

14 THE JUROR: No, it wouldn't affect my ability.

15 THE COURT: All right. Robert Chadwell, one of the
16 victims in this case was African American. The defendant,
17 Mr. Chalue, is Caucasian. Would those facts prevent you
18 from acting fairly and impartially as a juror?

19 THE JUROR: No.

20 THE COURT: The defendant has a right to remain silent
21 at his trial. If he exercises that right and chooses not to
22 testify, would you hold that against him?

23 THE JUROR: No.

24 THE COURT: There may be evidence in this case that the
25 victims' bodies were dismembered and you may see photographs

1 that are graphic in nature. Would that kind of evidence
2 prevent you from acting as a fair and impartial juror?

3 THE JUROR: No.

4 THE COURT: Can you think of any reason, whether I
5 asked about it or not, why you would not be fare if
6 selected?

7 THE JUROR: Not really.

8 THE COURT: All right. You're confident of that?

9 THE JUROR: Yes.

10 THE COURT: All right. Thank you. I'm going to ask
11 you to step out in the hallway for just a moment.

12 (The juror exited.)

13 THE COURT: I find him indifferent.

14 MR. CAPELESS: Commonwealth is content with this juror,
15 Your Honor.

16 MR. FRANK: Judge, I'm only concerned his daughter was
17 a victim. We don't know of what, if there is similarity of
18 crime in some fashion; obviously, it might be relevant to
19 our consideration. We ask for further questioning.

20 THE COURT: All right. I will inquire.

21 (The juror entered.)

22 THE COURT: Mr. Williams, I have a followup question
23 and I apologize in advance because I really don't want to
24 pry into your personal family matters.

25 Can you tell us the nature of the crime, if it was --

1 the nature of the victimization of your daughter?

2 THE JUROR: My daughter was working at a, like, not a
3 CVS, a variety store. She went in at 7 o'clock in morning
4 to fill in for someone else and was cleaning up when someone
5 came in and put a knife to her throat and forced her to open
6 a cash register. And before he left, he did cut her, but
7 she was fine and they never found him. You know, so that's
8 all I can say.

9 THE COURT: All right. Thank you very much.

10 THE JUROR: Thank you.

11 (The juror exited.)

12 THE COURT: I still find him indifferent.

13 MR. CAPELESS: The Commonwealth remains content, Your
14 Honor.

15 MR. FRANK: I hate to be a nuisance, Judge, but the
16 knifing incident is a concern of ours given the allegation
17 against my client. And I would ask the Judge to inquire one
18 more time if he were to hear evidence along the lines that,
19 an allegation -- there are allegations of dismemberment, how
20 might your daughter's experience affect your ability to be
21 impartial? I think it's reasonable under the circumstances.

22 THE COURT: I have already advised all of the jurors
23 that the nature of the crime was a shooting and a stabbing.
24 I have already described potential dismemberment. He has
25 already answered all of my questions, including whether or

1 not his daughter's experience would affect his ability to be
2 fair and impartial. I am satisfied.

3 Do you wish to exercise a preemptory challenge?

4 MR. FRANK: Judge, I would first ask you do this for
5 cause. I don't think -- I do think the experience is
6 similar. And if that is declined, we will ask for a
7 peremptory.

8 THE COURT: The challenge for cause is denied as for
9 the reasons that I stated. And you may bring Mr. Williams
10 in, he has been challenged with a peremptory challenge.

11 (The juror entered.)

12 THE COURT: Mr. Williams, thank you for your service
13 here this morning. You have been excused.

14 THE JUROR: Okay. Thank you.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 33

16 COURT OFFICER: Juror Number 33.

17 THE COURT: Good morning, ma'am. Is it Ms. Hunter?

18 THE JUROR: Yes.

19 THE COURT: Ms. Hunter, good morning.

20 We expect this case will take approximately four weeks
21 to complete, proceeding from 9:30 in the morning until 4:00
22 in the afternoon. Bearing in mind the importance of this
23 case, and our need for good jurors like you, are you
24 available to help us?

25 (Pause)

1 THE JUROR: Yes.

2 THE COURT: You have hesitated and I understand, of
3 course, that an imposition on your time of that duration, as
4 for everybody here, would be a matter of some inconvenience.
5 Is there something in particular that is causing you stress
6 at the moment?

7 THE JUROR: Well, I'm just going through something
8 going on with my lower abdomen. I've had pain since Sunday
9 morning so I'm going in and out of the hospital getting
10 tests done for it, so.

11 THE COURT: Do you have tests scheduled?

12 THE JUROR: I do. Actually, I have to go back to the
13 hospital tonight at 6:00 to get more tests done.

14 THE COURT: All right. Well, do you think that your
15 physical condition is such that you could not sit as a juror
16 in this case?

17 THE JUROR: I think it depends because my pain comes
18 and goes. Right now it's tolerable, but at times it's
19 painful.

20 THE COURT: All right. So your hesitation moments ago
21 was based primarily on your physical condition and your
22 concern about that?

23 THE JUROR: It is, yes.

24 THE COURT: All right. And, of course, I don't know
25 whether you will be selected as a juror or not, but if you

1 were and suffered any sort of discomfort, would you simply
2 let me know by raising your hand?

3 THE JUROR: Yes.

4 THE COURT: Let me ask you some additional follow-up
5 questions. First, did you have a chance to look at that
6 list of potential witnesses?

7 THE JUROR: Yes.

8 THE COURT: Did you recognize any names?

9 THE JUROR: No.

10 THE COURT: Second, have you seen or heard anything
11 about this case in the media or have you discussed it with
12 anyone?

13 THE JUROR: No.

14 THE COURT: Have you or any close family members ever
15 been the victim of a crime of violence?

16 THE JUROR: No.

17 THE COURT: Did you respond to any of my earlier
18 questions by raising your hand?

19 THE JUROR: Yes.

20 THE COURT: Do you recall which ones?

21 THE JUROR: The one about the medical condition.

22 THE COURT: All right. And that's the condition we've
23 already discussed?

24 THE JUROR: Uh-huh.

25 THE COURT: There may be evidence in this case that one

1 of the co-defendants, Mr. Hall, had some affiliation with
2 the Hells Angels Motorcycle Club and that this defendant,
3 Mr. Chalue, had some affiliation with the Aryan Brotherhood.

4 If you were to hear such evidence, would that prevent
5 you from acting as a fair and impartial juror?

6 THE JUROR: Yes.

7 THE COURT: You are excused.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 34

9 COURT OFFICER: Juror Number 34.

10 THE COURT: Ms. Gleason, good morning.

11 THE JUROR: Good morning.

12 THE COURT: You may stand right there.

13 THE JUROR: Okay.

14 THE COURT: I don't want you to fall off.

15 You want to step down?

16 THE JUROR: Sorry.

17 THE COURT: That's all right. Let me ask you some
18 questions.

19 First, our anticipated schedule in this case is that it
20 will last for four weeks proceeding 9:30 in the morning
21 until 4:00 in the evening.

22 Bearing in mind that schedule and the importance of
23 this case and our need for good jurors like you, are you
24 available to help us?

25 THE JUROR: No, based on the fact that both of my

1 parents are dealing with cancer right now and I have been
2 dealing with the caregiving.

3 THE COURT: I'm sorry to hear about your personal
4 situation. You are excused.

5 THE JUROR: Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 35

7 COURT OFFICER: Juror Number 35.

8 THE COURT: Mr. Feltenberger, good morning.

9 THE JUROR: Good morning.

10 THE COURT: Did you respond any of my earlier questions
11 by raising your card?

12 THE JUROR: Yes.

13 THE COURT: I see that your uncle Brian is a
14 Connecticut State Trooper?

15 THE JUROR: Yup.

16 THE COURT: Is there anything about your relationship
17 with him that you think might cause you to favor one side
18 over the other?

19 THE JUROR: Well, generally, I usually think the police
20 do a good job.

21 THE COURT: All right.

22 THE JUROR: Not saying I automatically assume you're
23 guilty, sir.

24 THE COURT: Well, why don't you direct your comments to
25 me. Can you do that?

1 THE JUROR: Sorry, yup.

2 THE COURT: Is your sense that the police usually try
3 to do a good job such that you might elevate the testimony
4 of police officers over the testimony of other witnesses?

5 THE JUROR: For police officers, yeah.

6 THE COURT: You are excused.

7 THE JUROR: I would believe them over --

8 THE COURT: You are excused.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 37

10 COURT OFFICER: Juror Number 37.

11 THE COURT: Good morning, ma'am.

12 THE JUROR: Good morning.

13 THE COURT: Is it Ms. Giebutowski?

14 THE JUROR: Giebutowski.

15 THE COURT: Giebutowski.

16 We anticipate that this case will take approximately
17 four weeks to complete, proceeding 9:30 in the morning until
18 4:00 in the afternoon on most days.

19 Bearing in mind that schedule, the importance of this
20 case and our need for good jurors like you, are you
21 available to help us?

22 THE JUROR: I am working.

23 THE COURT: As are most of the people here.

24 THE JUROR: Yes, so I don't know what things are
25 considered to be --

1 THE COURT: Let me ask it this way, is there anything
2 about your line of work in particular that you think if you
3 were to miss it for a period of time that it would create
4 any kind of hardship such that you would be distracted from
5 your responsibilities as a juror?

6 THE JUROR: No.

7 THE COURT: All right. I see that you have disclosed
8 that someone in your family worked for the Monson Police
9 Department. Can you tell me who that was?

10 THE JUROR: My father.

11 THE COURT: And is there anything about your
12 father's -- is he still there?

13 THE JUROR: No.

14 THE COURT: Is there anything about his former line of
15 work or your relationship with him that you think might
16 cause you to favor one side over the other?

17 THE JUROR: It might. I'm not positive.

18 THE COURT: All right. So you think your father's line
19 of work might cause you to favor the police side of this
20 case?

21 THE JUROR: Possibly.

22 THE COURT: You are excused.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 38

24 COURT OFFICER: Juror Number 38.

25 THE COURT: Ms. Mackean, good morning.

1 THE JUROR: Hi.

2 THE COURT: Did you respond to any of my earlier
3 questions?

4 THE JUROR: No, I didn't.

5 THE COURT: All right. We expect this case will take
6 us approximately four weeks to complete proceeding from 9:30
7 in the morning until 4:00 in the afternoon.

8 Bearing in mind that schedule, the importance of this
9 case, and our need for good jurors like you, are you
10 available to help us?

11 THE JUROR: (Indicating)

12 THE COURT: You have to say yes or no.

13 THE JUROR: Yes.

14 THE COURT: All right. Thank you.

15 Ms. Mackean, did you get a chance to look at that list
16 of witnesses?

17 THE JUROR: Yes, I did.

18 THE COURT: Did you recognize any names?

19 THE JUROR: No, I didn't.

20 THE COURT: Have you seen or heard anything about this
21 case in the media or have you discussed it with anyone?

22 THE JUROR: No, I haven't.

23 THE COURT: All right. Has any member of your family
24 ever been the victim of a crime of violence?

25 THE JUROR: No, they haven't.

1 THE COURT: There may be evidence in this case that one
2 of the co-defendant's, Mr. Hall, had some affiliation with
3 the Hells Angels Motorcycle Club and that this defendant,
4 Mr. Chalue, had some affiliation with an organization known
5 as the Aryan Brotherhood.

6 If you were to hear that evidence, would that prevent
7 you from acting fairly and impartially as a juror?

8 THE JUROR: No, it wouldn't.

9 THE COURT: Robert Chadwell one of the victims in this
10 case was African American. Mr. Chalue is Caucasian. Would
11 those facts prevent you from acting fairly and impartially?

12 THE JUROR: No, it wouldn't.

13 THE COURT: Now, there may be evidence in this case
14 that the victims' bodies were dismembered and the jurors may
15 see photographs that some may consider graphic in nature.

16 If you were to see and hear such evidence, would that
17 prevent you from acting fairly?

18 (Pause)

19 THE COURT: Take your time, Ms. Mackean.

20 (Pause)

21 THE COURT: I can only assume, Ms. Mackean, from your
22 emotional reaction that your answer to that question would
23 be yes that it might have some affect on your ability to
24 fairly listen to evidence; is that correct?

25 THE JUROR: To be able to listen to everything.

1 THE COURT: You think it would be difficult for you to
2 do that?

3 THE JUROR: (Indicating)

4 THE COURT: I appreciate your honesty. You are
5 excused.

6 THE JUROR: Thank you.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 39

8 COURT OFFICER: Juror Number 39, Your Honor.

9 THE COURT: Good morning. Is it Ms. Kalita?

10 THE JUROR: Yes.

11 THE COURT: Ms. Kalita, we anticipate this case will
12 take four weeks to complete proceeding from 9:30 in the
13 morning until 4:00 most days.

14 Bearing in mind that schedule, the importance of the
15 case, and our need for good jurors like you, are you
16 available to help us?

17 THE JUROR: Yes.

18 THE COURT: All right. Did you get a chance to look at
19 that list of potential witnesses --

20 THE JUROR: Yes.

21 THE COURT: Potential witnesses?

22 THE JUROR: Yes.

23 THE COURT: Did you recognize any names?

24 THE JUROR: No.

25 THE COURT: Have you seen or heard anything about this

1 case in the media or have you discussed it with anyone?

2 THE JUROR: Just when it happened in 2011 it was in the
3 newspaper.

4 THE COURT: All right. Do you recall, generally
5 speaking, the content of what you saw or heard?

6 THE JUROR: No. I don't really remember it too well.

7 THE COURT: Let me ask you this, was there anything
8 about the content of the media that you heard or observed
9 that you think might affect your ability to act as a fair
10 and impartial juror?

11 THE JUROR: No.

12 THE COURT: Have you or any family member ever been the
13 victim of a crime of violence?

14 THE JUROR: No.

15 THE COURT: Did you respond to any of my earlier
16 questions by raising your card?

17 THE JUROR: No.

18 THE COURT: There may be evidence in this case that a
19 co-defendant, Mr. Hall, had some affiliation with the Hells
20 Angels Motorcycle Club and that this defendant, Mr. Chalue,
21 had some affiliation with an organization known as the Aryan
22 Brotherhood.

23 If you were to hear such evidence, would that evidence
24 prevent you from acting fairly and impartially?

25 THE JUROR: I guess not.

1 THE COURT: Well, are you confident of that?

2 THE JUROR: Yes.

3 THE COURT: All right. Of course, our concern is that
4 jurors be able to make a decision based on their objective
5 view of the evidence presented. If that -- those
6 memberships or affiliations were part of the evidence
7 presented, do you think you could still render a fair and
8 objective decision?

9 THE JUROR: Yes.

10 THE COURT: The defendant -- I'm sorry. One of the
11 victims, Robert Chadwell, was an African American. The
12 defendant, Mr. Chalue, is Caucasian.

13 Would those facts prevent you from acting fairly and
14 impartially?

15 THE JUROR: No.

16 THE COURT: I get the sense that you are somehow
17 bothered by my questions or perhaps even your presence here.
18 Is there something wrong?

19 THE JUROR: No, I guess not. I mean, I don't know who
20 wants to be here.

21 THE COURT: Well, I understand that many people don't
22 wish to honor their civic commitment and I guess my overall
23 question for you is your feeling in that regard such that
24 you feel that you could not fairly and impartially act as a
25 juror for a period that might be as long as four weeks?

1 THE JUROR: I guess it's okay. I don't know.

2 THE COURT: The evidence might include some testimony
3 regarding dismemberment of the victims' bodies and graphic
4 photographs. Would that prevent you from acting fairly and
5 impartially?

6 THE JUROR: No.

7 THE COURT: The defendant has a right to remain silent.
8 If he exercises that right in this trial and chooses not to
9 testify, would you hold that against him in any way?

10 THE JUROR: No.

11 THE COURT: Can you think of any other reason, whether
12 I have asked about it or not, why you would not be fair and
13 impartial if you were selected?

14 THE JUROR: No.

15 THE COURT: Thank you. I'm going to ask to you step
16 into the hallway for just a minute, please.

17 (The juror exited.)

18 THE COURT: I find her indifferent.

19 MR. CAPELESS: Your Honor, considering what I think
20 Your Honor detected was a feeling certainly of her not
21 wanting to be here, although she answered she could be fair
22 and impartial, I think it would be important to ask her
23 whether or not she would be distracted by the idea she
24 doesn't want to be here.

25 THE COURT: All right. I will ask the question.

1 (The juror entered.)

2 THE COURT: Ms. Kalita, I have one follow-up question.
3 Given your earlier responses, I wanted to ask you if you
4 were selected to sit on the jury, would your feeling of
5 inconvenience be such that they -- that you would feel
6 distracted from the evidence presented?

7 (Pause)

8 THE JUROR: Distracted -- could you reword that in some
9 other way?

10 THE COURT: Yes. You have expressed a concern about
11 being here and having to participate, and I'm wondering
12 whether or not that rises to the level that it might cause
13 you your level of concentration.

14 THE JUROR: I guess I would do the best I could, let's
15 put it that way.

16 THE COURT: All right. And let me ask, point blank, do
17 you think you would be distracted?

18 THE JUROR: No.

19 THE COURT: All right. Thank you.

20 (The juror exited.)

21 THE COURT: I find her indifferent.

22 MR. CAPELESS: I would ask to challenge her for cause.
23 She said she would try the best she could. I don't think
24 that is quite good enough, Your Honor.

25 THE COURT: Challenge for cause is denied. I'm

1 satisfied with the -- even though she comes with a certain
2 attitude that I understand, I don't believe it rises to the
3 level for a challenge for cause. I believe she has heard my
4 questions, understood them and answered them, so --

5 MR. CAPELESS: Commonwealth challenges, Your Honor.

6 THE COURT: Very well, peremptory challenge.

7 (The juror entered.)

8 THE COURT: Ms. Kalita, thank you for your service here
9 this morning. You have been excused.

10 Please bear in mind next time you receive your summons
11 we all go through this.

12 THE JUROR: Okay. Thank you.

13 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 40

14 COURT OFFICER: Juror Number 40.

15 THE COURT: Mr. Croteau, good morning.

16 THE JUROR: Hi.

17 THE COURT: Mr. Croteau, we expect this case will take
18 us four weeks to complete proceeding from 9:30 in the
19 morning until 4:00 in the afternoon.

20 Bearing in mind that schedule, the importance of this
21 case, and our need for good jurors like you, are you
22 available to help us?

23 THE JUROR: I do have a vacation scheduled for May 2
24 through -- for a week with my wife.

25 THE COURT: And is that a vacation that's been planned

1 for some time?

2 THE JUROR: Yeah, we have airline tickets and such.

3 THE COURT: You are excused. Have a nice time.

4 THE JUROR: Thank you.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 42

6 COURT OFFICER: Juror Number 42.

7 THE COURT: Good morning. Is it Mr. Major?

8 THE JUROR: Hello, sir.

9 THE COURT: Mr. Major, we expect this case will take
10 four weeks to complete proceeding from 9:30 in the morning
11 until 4:00 most afternoons.

12 Bearing in mind that schedule, the importance of this
13 case and our need for good jurors like you, are you
14 available to help us?

15 THE JUROR: Yes.

16 THE COURT: All right. Did you get a chance to look at
17 that list of potential witnesses?

18 THE JUROR: Yes.

19 THE COURT: Did you recognize any names?

20 THE JUROR: There is one name I did recognize, Caroline
21 Tatro, but I don't know if it's the same one I know. I just
22 know her in passing.

23 THE COURT: All right. Let's assume for a moment it is
24 the same one that you know and she testifies. Is your
25 relationship with her such that you think you would place

1 her testimony on a different level than any other witness?

2 THE JUROR: I don't believe so.

3 THE COURT: All right. Have you read or seen anything
4 about or heard anything about this case on any media reports
5 or have you discussed it with anyone?

6 THE JUROR: I heard it on the radio last Fall, but not
7 since then. I really didn't think about it.

8 THE COURT: And was there anything about the content of
9 what you overheard that you think might interfere with your
10 ability to act as a fair and impartial juror?

11 THE JUROR: No.

12 THE COURT: Have you or any family member ever been the
13 victim of a crime of violence?

14 THE JUROR: No.

15 THE COURT: Did you respond to any of my earlier
16 questions by raising your card?

17 THE JUROR: No.

18 THE COURT: There may be evidence in this case that
19 Mr. Hall, one of the co-defendants in this case had some
20 affiliation with the Hells Angels motorcycle gang or club
21 and that the defendant in this action, Mr. Chalue, had some
22 affiliation with an organization known as the Aryan
23 Brotherhood. If you were to hear that kind of evidence,
24 would that prevent you from acting fairly and impartially?

25 THE JUROR: I don't believe so.

1 THE COURT: All right. Robert Chadwell, one of the
2 victims in this case, was African American. The defendant
3 is Caucasian. Would those facts affect your ability to be
4 fair and impartial if selected?

5 THE JUROR: No.

6 THE COURT: The defendant has an absolute right to
7 remain silent. If he exercises that right and does not
8 testify in this trial, would you hold that against him?

9 THE JUROR: No.

10 THE COURT: There may be evidence in this case that the
11 victims' bodies were dismembered and you may see graphic
12 evidence in graphic form regarding that. If you were to see
13 and hear such evidence, would that prevent you from acting
14 as a fair and impartial juror?

15 THE JUROR: I don't believe so.

16 THE COURT: Is there any other reason, whether I ask
17 about it or not, why you might not be a fair and impartial
18 juror?

19 THE JUROR: I don't know of any.

20 THE COURT: All right. I want to ask one follow-up
21 question, because you hesitated just a bit when I asked the
22 question about the Hells Angels and the Aryan Brotherhood.

23 Assuming, for a moment, that you hear that kind of
24 evidence, are you confident that you could view the evidence
25 in its entirety, fairly, objectively, and impartially, and

1 make a decision based on the facts of the case?

2 THE JUROR: I believe so.

3 THE COURT: All right. Thank you.

4 I'm going to ask you to step out into the hallway for
5 just a moment.

6 (The juror exited.)

7 THE COURT: I find him indifferent.

8 MR. CAPELESS: The Commonwealth is content with this
9 juror.

10 MR. FRANK: Content.

11 THE COURT: All right. Is that seat number five?

12 THE CLERK: Yes, Your Honor.

13 THE COURT: All right.

14 (The juror entered.)

15 THE COURT: Mr. Major, you have been selected to sit as
16 a juror in this case, seat number five.

17 We're not actually going to begin the trial today. I'm
18 going to excuse you and ask you to return Thursday morning
19 at 9:30. The Court Officers will explain to you where to
20 come once you arrive at the courthouse.

21 You should not discuss the case with anyone between now
22 and then, and when you arrive on Thursday morning, you
23 should not discuss it with any of the other jurors.

24 You should not observe any media reports, should there
25 be any; and you should not make any effort to independently

1 investigate the case in any way.

2 With that understanding -- first of all, do you
3 understand that?

4 THE JUROR: Yes, I do.

5 THE COURT: With that understanding, you are excused
6 until Thursday morning.

7 THE JUROR: Thank you.

8 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 43

9 COURT OFFICER: Juror Number 43.

10 THE COURT: Good morning, ma'am.

11 THE JUROR: Good morning.

12 THE COURT: Is it Ms. Peters?

13 THE JUROR: Yes, correct.

14 THE COURT: Ms. Acton-Peters?

15 THE JUROR: Yes.

16 THE COURT: Ma'am, we anticipate this case will take us
17 four weeks to complete proceeding from 9:30 in the morning
18 until 4:00 in the afternoon on most days.

19 Bearing in mind that schedule, the importance of this
20 case and our need for good jurors like you, are you
21 available to help us?

22 THE JUROR: I'm putting my house up for sale in the
23 next couple of weeks. It's tricky but -- (Indicating)

24 THE COURT: All right. I understand that real estate
25 transactions can be tricky and they, that you will have some

1 responsibilities during that time frame.

2 THE JUROR: Right.

3 THE COURT: Other than that, do you think that those
4 responsibilities are such that it would work a substantial
5 hardship on you?

6 THE JUROR: Substantial hardship, no.

7 THE COURT: All right. Now, did you get a chance to
8 look at that list of witnesses?

9 THE JUROR: I did.

10 THE COURT: Did any you know of any names?

11 THE JUROR: I do not.

12 THE COURT: Have you seen or heard anything about the
13 case on the media? Have you discussed it with anyone?

14 THE JUROR: No, I have not.

15 THE COURT: Did you respond to any of my questions
16 earlier by raising your card?

17 THE JUROR: Yes, I did.

18 THE COURT: Do you recall which ones?

19 THE JUROR: Yes, about being biased.

20 THE COURT: All right. And can you articulate for me
21 the nature of your bias?

22 THE JUROR: I have kind of a deep distrust -- almost
23 scary to say, distrust of the judicial system in a sense I
24 feel that because it's an elected position, District
25 Attorneys, I feel like -- I'm sorry, I am inarticulate when

1 I'm nervous.

2 THE COURT: Well, Mr. Capeless happens to be an elected
3 District Attorney.

4 THE JUROR: Right.

5 THE COURT: And is your feeling about the process and
6 the role of the District Attorney or the Judge or the
7 Defense Attorney in it such that you think you could not
8 fairly and impartially weight the evidence in this case?

9 THE JUROR: I feel like I would always lean to the
10 other side.

11 THE COURT: The other seed being?

12 THE JUROR: The defense.

13 THE COURT: You are excused.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 47

15 COURT OFFICER: Juror Number 47.

16 THE COURT: Is it Mr. Bosquet; is that correct?

17 THE JUROR: Bosquet, yes.

18 THE COURT: Mr. Bosquet, good morning.

19 Did you get a chance to look at that list of witnesses?

20 THE JUROR: Yes, I did.

21 THE COURT: Did you recognize any names?

22 THE JUROR: No names.

23 THE COURT: We anticipate this case will take us
24 approximately four weeks to complete, proceeding from 9:30
25 in the morning until 4:00 in the afternoon most days.

1 Bearing in mind that schedule, the importance of this
2 case and our need for good jurors like you, are you
3 available to help us?

4 THE JUROR: Yes.

5 THE COURT: Have you seen or heard anything about this
6 case on the media or have you discussed it with anyone?

7 THE JUROR: I am aware of the case just based on media
8 reports.

9 THE COURT: All right. And can you tell us whether
10 those were print or broadcast media or both?

11 THE JUROR: Both.

12 THE COURT: And when was the, if you can estimate for
13 us, your most recent observation of any media report?

14 THE JUROR: It would have been some time during the --
15 one of the trials, the last trial.

16 THE COURT: All right. And was there anything about
17 the content of what you remember seeing or hearing that you
18 think might prevent you from acting as a fair and impartial
19 juror in this case?

20 THE JUROR: I didn't follow it. I didn't read it or
21 follow it.

22 THE COURT: Is it fair for me to take that as a no?

23 THE JUROR: Yeah, that's a no.

24 THE COURT: All right. Have you or any family member
25 ever been the victim of a crime of violence?

1 THE JUROR: No.

2 THE COURT: Did you raise your card in response to any
3 of my earlier questions?

4 THE JUROR: No.

5 THE COURT: There may be evidence in this case that one
6 of the co-defendants, Mr. Hall, was affiliated with the
7 Hells Angels Motorcycle Club and this defendant, Mr. Chalue,
8 has some affiliation with the Aryan Brotherhood. Bearing in
9 mind -- if you were to hear those facts at trial, would
10 those facts prevent you from acting as a fair and impartial
11 juror?

12 THE JUROR: No.

13 THE COURT: The -- one of the victims in this case,
14 Robert Chadwell, was African American. Mr. Chalue is
15 Caucasian.

16 Would these facts prevent you from acting fairly and
17 impartially?

18 THE JUROR: No.

19 THE COURT: The defendant has an absolute right to
20 remain silent in this trial. If he exercises that right and
21 does not testify, would you hold that against him in any
22 way?

23 THE JUROR: I would not, no.

24 THE COURT: There may be evidence in this case that the
25 victims' bodies were dismembered and the jurors may be

1 exposed to graphic photographs of that.

2 Would that kind of evidence prevent you from acting
3 fairly and impartially?

4 THE JUROR: It would not.

5 THE COURT: Can you think of any reason, whether I
6 asked you about it or not, why you could not be a fair and
7 impartial juror if selected?

8 THE JUROR: No, I can't.

9 THE COURT: Thank you.

10 I'm going to ask you to step back in the hallway for
11 just a minute.

12 (The juror exited.)

13 THE COURT: I find him indifferent.

14 MR. CAPELESS: Commonwealth is content with this juror.

15 MR. FRANK: Defense is content.

16 THE COURT: All right. Seat number six.

17 (The juror entered.)

18 THE COURT: Mr. Bosquet, you have been selected to sit
19 as a juror in this case. You are going to be in seat number
20 six.

21 We're actually not going to start the trial today. We
22 are going to start on Thursday; not tomorrow, but Thursday.
23 So I'm going to excuse you, ask you to return on Thursday
24 morning at 9:30.

25 The Court Officers will show you where you report.

1 In the interim, please don't conduct any independent
2 investigation of the case, don't discuss the case with
3 anyone other than the fact you have been selected to sit on
4 a jury; that includes when you return on Thursday morning
5 don't discuss it with other jurors, and also don't observe
6 any media reports should there be any.

7 Thank you for your service this morning.

8 We will see you Thursday morning.

9 THE JUROR: Thank you.

10 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 48

11 COURT OFFICER: Juror Number 48.

12 THE COURT: Ms. Ferry, good morning.

13 THE JUROR: Good morning.

14 THE COURT: Ms. Ferry, can I ask -- have a seat.

15 Let me ask you, Ms. Ferry, did you get a chance to look
16 at that list of witnesses?

17 THE JUROR: Yes, I did.

18 THE COURT: Did you recognize any names?

19 THE JUROR: Only one, Michael Hill, Sergeant Michael
20 Hill.

21 THE COURT: All right. And how do you know Mr. Hill?

22 THE JUROR: If it's the same Michael Hill, I grew up
23 with him.

24 THE COURT: All right. Let's assume -- well, do you
25 know, as you sit here today, whether or not your person you

1 grew up with, Michael Hill, is a law enforcement officer?

2 THE JUROR: Yes, he is for the State of Massachusetts.

3 THE COURT: All right. Let's assume for the moment
4 that he testifies in this case. Do you think that you would
5 tend to place his testimony on a different level than other
6 potential witnesses?

7 THE JUROR: Probably not.

8 THE COURT: We expect this case will take us four weeks
9 to complete, beginning at 9:30 in the morning and proceeding
10 to 4:00 in the afternoon most days.

11 Bearing in mind that schedule, the importance of this
12 case, and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: Absolutely not.

15 THE COURT: Why is that?

16 THE JUROR: Because I work in the emergency room and we
17 have two nurses, full-time nurses that are out already --
18 one on maternity leave and one on medical, so taking a third
19 one out would not be good for the emergency room.

20 THE COURT: All right. So your concern -- well, you
21 are excused.

22 THE JUROR: Thank you.

23 (The juror exited.)

24 THE COURT: Counsel, I'm going to take a five-minute
25 break.

1 Mr. Curtis, we are going to take a five-minute recess.
2 I'm sorry not five, let's make it fifteen minutes and give
3 everybody some time.

4 (The Court exited at 11:54 a.m.)

5 (* * * * *)

6 (The Court entered at 12:10 p.m.)

7 (The defendant was present.)

8 THE COURT: Bring the next juror in, please.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 49

10 COURT OFFICER: Juror Number 49.

11 THE COURT: Mr. Mills, good morning --

12 THE JUROR: Good morning.

13 THE COURT: -- or good afternoon, it is now.

14 Thank you for your patience.

15 The first thing I want to tell you, we anticipate this
16 case is going to take us four weeks to complete, proceeding
17 from 9:30 in the morning until 4:00 in the afternoon most
18 days.

19 Bearing in mind that schedule, the importance of this
20 case and our need for good jurors like you, are you
21 available to help us?

22 THE JUROR: Yes, I am available, but I was thinking
23 over that witness list and I think I know one of the
24 witnesses.

25 THE COURT: All right. Tell me who it is you know.

1 THE JUROR: Meredith Ryan. I was her school teacher
2 and I am not sure if it was the same one.

3 THE COURT: Well, let's assume that it is and that
4 witness is called and offers testimony in the case, the
5 question is whether or not you could treat the testimony of
6 that witness in the same way that you would treat the
7 testimony of other witnesses, that is in judging the
8 credibility of the witnesses.

9 Do you think you could do that?

10 THE JUROR: Yes.

11 THE COURT: All right.

12 THE JUROR: I have heard about this case in the news
13 last night too.

14 THE COURT: All right. Well, you're anticipating my
15 questions quite well.

16 Let me ask you, what it was that you heard about it?

17 THE JUROR: Well, that the three people were hurt.

18 THE COURT: All right.

19 THE JUROR: And that's it.

20 THE COURT: Was there anything about the content of the
21 story that you think might prevent you from acting as a fair
22 and impartial juror?

23 THE JUROR: No.

24 THE COURT: All right. Was that the first time that
25 you had heard about the case?

1 THE JUROR: I believe so.

2 THE COURT: All right. Have you or any -- let me ask
3 you, did you respond to any of my earlier questions by
4 raising your card?

5 THE JUROR: No.

6 THE COURT: Have you or any member of your family ever
7 been the victim of a crime of violence?

8 THE JUROR: No. I was in high school. A student
9 punched me in the eye.

10 THE COURT: Is there anything about that experience you
11 think might interfere with your ability to be fair to both
12 sides?

13 THE JUROR: No.

14 THE COURT: I cut you off, you did mention that you had
15 heard something about this case last night. Have you heard
16 anything about it from any other source?

17 THE JUROR: No.

18 THE COURT: All right. There may be evidence in this
19 case that one of the co-defendants Mr. Hall had some
20 affiliation with the Hells Angels Motorcycle Club, and this
21 defendant, Mr. Chalue, had some affiliation with the Aryan
22 Brotherhood organization. If you were to hear such
23 evidence, would that prevent you from being fair to both
24 sides.

25 THE JUROR: No.

1 THE COURT: The -- one of the victims, Robert Chadwell,
2 was an African American. The defendant, Mr. Chalue, is
3 Caucasian. Would those facts alone prevent you from acting
4 fairly and impartially?

5 THE JUROR: No.

6 THE COURT: The defendant has an absolute right to
7 remain silent, if he exercises that right and does not
8 testify, would you hold that against him in any way?

9 THE JUROR: No.

10 THE COURT: There may be evidence in this case that the
11 victims' bodies were dismembered and the jury may be exposed
12 to photographs of that, that might be considered graphic in
13 nature. If you were to be exposed to such evidence would
14 that prevent you from being fair and impartial?

15 THE JUROR: No.

16 THE COURT: Can you think of any other reason, whether
17 I have asked you about it or not, why you would not be fair
18 if selected?

19 THE JUROR: No.

20 THE COURT: Thank you. I also see that you sat on a
21 jury once before. Can you tell me if that was a criminal or
22 civil case?

23 THE JUROR: Well, yeah, it was a criminal case.

24 THE COURT: All right. Do you remember the nature of
25 the charge?

1 THE JUROR: From what I can remember, he was a sexual
2 predator.

3 THE COURT: All right. Did the jury reach a verdict in
4 the case?

5 THE JUROR: Yes, we did.

6 THE COURT: What was the verdict?

7 THE JUROR: Innocent.

8 THE COURT: Innocent.

9 And was there anything about your experience as a juror
10 in that regard that you think might interfere with your
11 ability to act fairly and impartially in this case?

12 THE JUROR: No.

13 THE COURT: All right. Thank you. I'm going to ask
14 you to step back in the hallway for just a minute.

15 Thank you.

16 THE JUROR: Okay.

17 (The juror exited.)

18 THE COURT: I find Mr. Mills to be indifferent.

19 MR. CAPELESS: Commonwealth challenges this juror, Your
20 Honor.

21 THE COURT: All right.

22 (The juror entered.)

23 THE COURT: Mr. Mills, you are excused.

24 Thank you for your service this morning.

25 THE JUROR: Thank you.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 50

2 COURT OFFICER: Juror Number 50.

3 THE COURT: Is it Ms. Roso?

4 THE JUROR: Yes.

5 THE COURT: Good morning, rather good afternoon.

6 Miss Roso, did get a chance to look at that list of
7 witnesses?

8 THE JUROR: Yes, I did.

9 THE COURT: Did you recognize any names?

10 THE JUROR: No, I didn't.

11 THE COURT: We anticipate this case will last
12 approximately four weeks, proceeding 9:30 in morning until
13 4:00 in the afternoon most days.

14 Bearing in mind that schedule and the importance of
15 this case and our need for good jurors like you, are you
16 available to help us?

17 THE JUROR: I run a daycare out of my home, so I'm not
18 available for that type of period of time. I am
19 inconveniencing other families as well.

20 THE COURT: And would the loss of that income for that
21 period be a financial hardship for you?

22 THE JUROR: Yes, it would.

23 THE COURT: You are excused.

24 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 51

25 COURT OFFICER: Juror Number 51.

1 THE COURT: Good afternoon. Is it Mr. Dumais?

2 THE JUROR: Dumas.

3 THE COURT: Mr. Dumais, we anticipate this case is
4 going to take approximately four weeks to complete
5 proceeding from 9:30 in morning until 4:00 in the afternoon.

6 Bearing in mind that schedule, the importance of this
7 case and our need for good jurors like you, are you
8 available to help us?

9 THE JUROR: I'm not.

10 THE COURT: Can you explain why?

11 THE JUROR: I'm part of a race team for the nationals
12 and we go away every two weeks and we race. There is a race
13 this weekend.

14 THE COURT: All right.

15 THE JUROR: We leave on Thursday and we come back like
16 Monday, Tuesday. We go all over the country.

17 THE COURT: That sounds to me like a recreational
18 pursuit, is it?

19 THE JUROR: It's a job.

20 THE COURT: It's a job. That's what you do for a
21 living?

22 THE JUROR: Yes.

23 THE COURT: And missing that opportunity, would be a
24 financial hardship for you?

25 THE JUROR: Yes.

1 THE COURT: You are excused.

2 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 52

3 COURT OFFICER: Juror Number 52.

4 THE COURT: Good afternoon, ma'am.

5 THE JUROR: Hi.

6 THE COURT: Is it Miss Maceyka?

7 THE JUROR: Yes, that's correct.

8 THE COURT: Ms. Maceyka, we anticipate this case will
9 last approximately four weeks proceeding from 9:30 in the
10 morning until 4:00 in the afternoon on most days.

11 Bearing in mind that schedule, the importance of the
12 case and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: Not really.

15 THE COURT: All right.

16 THE JUROR: I'm finishing a master's program.

17 THE COURT: You are finishing a master's program, and
18 are you missing class today?

19 THE JUROR: Not today, no.

20 THE COURT: How often do you have classes during the
21 week?

22 THE JUROR: I have an internship on Thursdays and I
23 have classes at night.

24 THE COURT: All right. So you would be -- your
25 internship is during the day?

1 THE JUROR: Yes.

2 THE COURT: And would missing that internship on
3 Thursdays pose an academic hardship for you?

4 THE JUROR: Yes, it would.

5 THE COURT: You are excused. Thank you.

6 (The juror exited.)

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 54

8 COURT OFFICER: Juror Number 54.

9 THE COURT: Ms. Crowley, good morning.

10 THE JUROR: Hi.

11 THE COURT: Did you respond to any of my earlier
12 questions by raising your card?

13 THE JUROR: No.

14 THE COURT: We expect this case is going to take us
15 approximately four weeks to complete, proceeding from 9:30
16 in the morning until 4:00 in the afternoon on most days.

17 Bearing in mind that schedule, the importance of this
18 case and our need for good jurors like you, are you
19 available to help us?

20 THE JUROR: No.

21 THE COURT: Why is that?

22 THE JUROR: I have finals. I'm graduating in two
23 weeks.

24 THE COURT: All right. You're currently a student in
25 your junior year of college?

1 THE JUROR: Senior.

2 THE COURT: Oh, I see, highest grade completed, junior
3 year. You are a senior now, thank you.

4 You are excused.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 55

6 COURT OFFICER: Juror Number 55.

7 THE COURT: Ms. Langevin; is that correct?

8 THE JUROR: Yes.

9 THE COURT: Good afternoon.

10 THE JUROR: Hi.

11 THE COURT: We anticipate this trial is going to last
12 approximately four weeks, proceeding from 9:30 in the
13 morning until 4:00 in the afternoon.

14 Bearing in mind that schedule, the importance of this
15 case and our need for good jurors like you, are you
16 available to help us?

17 THE JUROR: No, I cannot.

18 THE COURT: Why is that?

19 THE JUROR: I am a sole proprietor. I own my own
20 business and I have a 17 year old girl from Pioneer
21 Collaborative who works for me and if she doesn't continue
22 working with me until she graduates high school, she will
23 not graduate.

24 THE COURT: So it would be a hardship for your
25 employee?

1 THE JUROR: Yes.

2 THE COURT: Would it also be a financial hardship for
3 you?

4 THE JUROR: Yes.

5 THE COURT: You are excused.

6 THE JUROR: Thank you.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 56

8 COURT OFFICER: Juror Number 56.

9 THE COURT: Ms. Vershon; is that correct?

10 THE JUROR: Yes.

11 THE COURT: Good afternoon.

12 THE JUROR: Good afternoon.

13 THE COURT: Ms. Vershon, we anticipate this case is
14 going to last approximately four weeks, proceeding from 9:30
15 in the morning until 4:00 in the afternoon on most days.

16 Bearing in mind that schedule, the importance of this
17 case and our need for good jurors like you, are you
18 available to help us?

19 THE JUROR: Yes.

20 THE COURT: Did you get a chance to look at that list
21 of witnesses?

22 THE JUROR: I did.

23 THE COURT: Did you recognize any names?

24 THE JUROR: I did not.

25 THE COURT: Have you seen or heard anything about this

1 case on the media or have you discussed it with anyone?

2 THE JUROR: I have.

3 THE COURT: All right. And was it observing it on the
4 media or discussing it or both?

5 THE JUROR: Actually, it was both.

6 THE COURT: Can you tell me how long ago you observed
7 the last media report?

8 THE JUROR: Actually today, I think.

9 THE COURT: Oh, all right. And what was the content of
10 that?

11 THE JUROR: Just that they're picking jurors for this
12 case.

13 THE COURT: And had you observed other media reports
14 previously?

15 THE JUROR: Yes, in the newspaper.

16 THE COURT: And can you tell me, generally, what they
17 communicated?

18 THE JUROR: Just information about the trial, you know,
19 that it was going on, some details.

20 THE COURT: All right. And was it -- were the reports
21 that you observed related to this trial or a previous trial?

22 THE JUROR: A previous trial.

23 THE COURT: And would you say that you followed that
24 previous trial in the media reports?

25 THE JUROR: No.

1 THE COURT: All right. And you also said you discussed
2 it with someone?

3 THE JUROR: Yes. Actually, a very close friend of mine
4 was the foreperson in the Hall trial.

5 THE COURT: All right. And did she communicate to you
6 this -- well, did she communicate to you at any time
7 anything about the evidence presented in the case?

8 THE JUROR: Yes, we did speak about her experience.

9 THE COURT: All right. And was there anything about
10 the content of your discussions with that person or the
11 media reports that you observed that you think might prevent
12 you from acting as a fair and impartial juror?

13 THE JUROR: I think I might have some problems with
14 being impartial.

15 THE COURT: All right. Thank you for your honesty.
16 You are excused.

17 THE JUROR: Thank you.

18 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 57

19 THE COURT: Ms. Gonzalez, good afternoon.

20 THE JUROR: Good afternoon.

21 THE COURT: Ms. Gonzalez, we anticipate that this case
22 is going to last approximately four weeks beginning at 9:30
23 in the morning and proceeding until 4:00 in the afternoon.

24 Bearing in mind that schedule, the importance of this
25 case and our need for good jurors like you, are you

1 available to help us?

2 THE JUROR: Yes.

3 THE COURT: All right. Did you get a chance to look at
4 that list of potential witnesses?

5 THE JUROR: Yes.

6 THE COURT: Did you recognize any names?

7 THE JUROR: No.

8 THE COURT: Have you seen or heard anything about this
9 case in media reports or have you discussed it with anyone?

10 THE JUROR: Not at all.

11 THE COURT: Did you respond to any of my earlier
12 questions by raising your card?

13 THE JUROR: No.

14 THE COURT: Have you or anyone in your family ever been
15 the victim of a crime of violence?

16 THE JUROR: No.

17 THE COURT: There may be evidence in this case that one
18 of the co-defendants, Mr. Hall, had some affiliation with
19 the Hells Angels Motorcycle Club and that the defendant in
20 this case, Mr. Chalue, had some affiliation with the Aryan
21 Brotherhood organization.

22 If you were to hear such evidence, would that prevent
23 you from acting as a fair and impartial juror in this case?

24 THE JUROR: No.

25 THE COURT: One of the victims in this case, Robert

1 Chadwell, was African American. Mr. Chalue is Caucasian.
2 Would those facts prevent you from acting as a fair and
3 impartial juror?

4 THE JUROR: No.

5 THE COURT: The defendant in this case has an absolute
6 right to remain silent. If he exercises that right and does
7 not testify, would you hold that against him in any way?

8 THE JUROR: No.

9 THE COURT: There may be evidence in this case that the
10 bodies of the victims were dismembered and the jury may be
11 exposed to graphic photographic evidence. If you were to
12 see and hear about such evidence, would that prevent you
13 from acting fairly and impartially?

14 THE JUROR: No.

15 THE COURT: Can you think of any reason, whether I
16 asked you about it or not, why you would not be fair if you
17 were selected?

18 THE JUROR: No.

19 THE COURT: I notice from your biographical form you or
20 someone in your family was previously on probation.

21 Was that you or anyone else?

22 THE JUROR: That was me.

23 THE COURT: And I don't mean to pry, but can you tell
24 us what you were on probation for?

25 THE JUROR: Yes.

1 THE COURT: All right.

2 THE JUROR: 2005 I was convicted or pled out to
3 possession of a firearm without an FID card.

4 THE COURT: All right. And did your probationary term
5 successfully terminate?

6 THE JUROR: I never was in trouble before or after.

7 THE COURT: All right. So is your probation over now?

8 THE JUROR: It was over in 08.

9 THE COURT: Was there anything about that experience
10 that you think might interfere with your ability to be fair
11 to both sides in this case?

12 THE JUROR: No, I feel that everybody deserves a
13 chance.

14 THE COURT: Thank you. And I'm going to ask to you
15 step back into the hallway for just a just minute.

16 THE JUROR: Okay.

17 (The juror exited.)

18 THE COURT: I find her indifferent.

19 MR. CAPELESS: The Commonwealth challenges this juror,
20 Your Honor.

21 THE COURT: All right.

22 (The juror entered.)

23 THE COURT: Ms. Gonzalez, thank you for your service
24 here today. You have been excused.

25 THE JUROR: Thank you.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 60

2 COURT OFFICER: Juror Number 60.

3 THE COURT: Mr. Therrien, good afternoon.

4 THE JUROR: Good afternoon, Your Honor.

5 THE COURT: Mr. Therrien, we anticipate that this case
6 is going to last approximately four weeks proceeding from
7 9:30 in the morning until 4:00 in the afternoon.

8 Bearing in mind that schedule, the importance of this
9 case and our need for good jurors like you, are you
10 available to help us?

11 THE JUROR: Well, Your Honor, the only thing that could
12 interfere, my 45th wedding anniversary. We got a cruise
13 planned on May 12.

14 THE COURT: Well, I think that would be a conflict, so
15 I'm certainly going to -- I'm not going to interfere with
16 your prepaid cruise plans.

17 Have a good time. You are excused.

18 THE JUROR: Thank you, Your Honor.

19 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 61

20 COURT OFFICER: Juror Number 61.

21 THE COURT: Mr. Decoteau, good afternoon.

22 THE JUROR: How are you?

23 THE COURT: Fine, thank you.

24 We anticipate this trial is going to last approximately
25 four weeks, proceeding from 9:30 in the morning until 4:00

1 in the afternoon.

2 Bearing in mind that schedule, the importance of this
3 case and our need for good jurors like you, are you
4 available to help us?

5 THE JUROR: I believe so.

6 THE COURT: Did you get a chance to look at that list
7 of potential witnesses?

8 THE JUROR: Yes.

9 THE COURT: Did you recognize any names?

10 THE JUROR: I did not.

11 THE COURT: I see that your father used to be on the
12 Springfield Police Department and then the fire department.
13 Is there anything about your relationship with your father
14 and his line of work that might cause you to favor one side
15 over the other?

16 THE JUROR: Not that I know of.

17 THE COURT: Did you respond to any other questions I
18 asked earlier by raising your card?

19 THE JUROR: I think the only one was about law
20 enforcement.

21 THE COURT: All right. And that was your father's
22 employment?

23 THE JUROR: Yup.

24 THE COURT: All right. Have you read or heard anything
25 about this case in the media or have you discussed it with

1 anyone?

2 THE JUROR: Not really discussed, but just read what's
3 in the paper.

4 THE COURT: All right. Can you recall approximately
5 how long ago it was that you read the last media report?

6 THE JUROR: Couldn't be -- couldn't tell you.

7 THE COURT: And do you recall the content in any way?

8 THE JUROR: Vaguely, yeah. Yeah.

9 THE COURT: All right. And can you tell me whether or
10 not the article that you read related to this case or some
11 prior proceeding?

12 THE JUROR: I think it was the -- yeah, it was this
13 case, the overall incident.

14 THE COURT: All right. And was there anything about
15 the content that you read or heard that you think might
16 affect your ability to be fair and impartial?

17 THE JUROR: No, I don't think so.

18 THE COURT: All right. Have you or any family member
19 ever been the victim of a crime of violence?

20 THE JUROR: No.

21 THE COURT: There may be evidence in this case that one
22 of the co-defendant's, Mr. Hall, was affiliated with the
23 Hells Angels Motorcycle Club and that the defendant in this
24 action, Mr. Chalue, was affiliated with the Aryan
25 Brotherhood organization.

1 Would that kind of evidence prevent you from being a
2 fair and impartial juror?

3 THE JUROR: Potentially.

4 THE COURT: All right. You think you might not be able
5 to follow my instruction to -- after hearing such evidence
6 that you should fairly and objectively evaluate the
7 evidence? Do you think that's a possibility?

8 THE JUROR: I'm sorry?

9 THE COURT: That was a poor question.

10 THE JUROR: Okay.

11 THE COURT: Do I understand from your earlier
12 response --

13 THE JUROR: Yes.

14 THE COURT: -- if you were to hear evidence about the
15 defendant's affiliations with those organizations that I
16 mentioned earlier --

17 THE JUROR: Yes.

18 THE COURT: -- if you think that kind of evidence could
19 affect your ability to be fair to both sides?

20 THE JUROR: I think it could.

21 THE COURT: You are excused. Thank you.

22 THE JUROR: Okay.

23 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 62

24 COURT OFFICER: Juror Number 62.

25 THE COURT: Ms. Haskins, good afternoon.

1 THE JUROR: Hello.

2 THE COURT: Ms. Haskins, we anticipate that this trial
3 may take four weeks to complete proceeding 9:30 in the
4 morning until 4:00 in the afternoon on most days.

5 Bearing in mind that schedule, the importance of this
6 case and our need for good jurors like you, are you
7 available to help us?

8 THE JUROR: I can be. I am going to school, but it's
9 almost over in like a week or so.

10 THE COURT: All right. Well, let me just tell you, if
11 you were selected as a juror, the trial would start on
12 Thursday and your obligation would be from 9:30 until 4:00
13 on the succeeding days. With that understanding do you
14 still think that you could be available as a juror?

15 THE JUROR: I do, yes.

16 THE COURT: Have you seen or heard anything about this
17 case, media reports or have you discussed it with anyone?

18 THE JUROR: I have not.

19 THE COURT: Did you get a chance to look at that list
20 of potential witnesses?

21 THE JUROR: Yes.

22 THE COURT: Did you recognize any names?

23 THE JUROR: I didn't.

24 THE COURT: All right. Have you or any family member
25 ever been the victim of any crime of violence?

1 THE JUROR: No.

2 THE COURT: Did you respond to any of my earlier
3 questions by raising your card?

4 THE JUROR: No.

5 THE COURT: There may be evidence in this case one of
6 the co-defendant's, Mr. Hall, had some affiliation with the
7 Hells Angels Motorcycle Club and that this defendant,
8 Mr. Chalue, had some affiliation with the Aryan Brotherhood.

9 If you were to hear such evidence, would that prevent
10 you from acting as a fair and impartial juror?

11 THE JUROR: No.

12 THE COURT: One of the victims in this case, Robert
13 Chadwell, was African American. The defendant, Mr. Chalue,
14 is Caucasian.

15 Would that evidence prevent you from acting fairly and
16 impartially?

17 THE JUROR: No.

18 THE COURT: The defendant has an absolute right to
19 remain silent at his trial. If he elects not to testify,
20 would you hold that against him in any way?

21 THE JUROR: No.

22 THE COURT: There may be evidence in this case that the
23 victims' bodies were dismembered and the jury may be exposed
24 to graphic evidence that some would consider graphic.

25 If you were to hear and see such evidence would that

1 prevent you from acting fairly and impartially?

2 THE JUROR: No.

3 THE COURT: Can you think of any reason, whether I
4 asked about it or not, whether you could not be a fair and
5 impartial juror if selected?

6 THE JUROR: I cannot.

7 THE COURT: Thank you. I'm going to ask you to step in
8 the hallway for just a minute.

9 (The juror exited.)

10 THE COURT: I find her indifferent.

11 MR. CAPELESS: Commonwealth is content with this juror.

12 MR. FRANK: Defense is content.

13 (The juror entered.)

14 THE COURT: Ms. Haskins, you have been selected to sit
15 as juror in this case. However, we're not going to start
16 the trial today. We're going to start not tomorrow morning,
17 but Thursday morning at 9:30. The Court Officers will
18 explain to you where you should report on Thursday morning.

19 In the interim, please don't discuss the case with
20 anyone or anything you have heard about it. You can
21 certainly explain to friends, family members or co-workers
22 that you've been selected to sit as a juror in a criminal
23 case, and the anticipated duration. Beyond that, please say
24 nothing further.

25 Don't observe any media reports of the case. Don't

1 discuss it with your co-jurors when you arrive first thing
2 Thursday morning and don't independently investigate the
3 case in any way.

4 With that, Ms. Haskins, you are excused.

5 We will see you Thursday morning.

6 THE JUROR: Thank you.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 64

8 COURT OFFICER: Juror Number 64.

9 THE COURT: Ms. Arnett, good afternoon.

10 THE JUROR: Hello. Good afternoon.

11 THE COURT: Ms. Arnett, did you get a chance to look at
12 that list of witnesses?

13 THE JUROR: Yes, I did.

14 THE COURT: Did you recognize any names?

15 THE JUROR: Absolutely not, nobody.

16 THE COURT: Ms. Arnett, we anticipate this trial may
17 last four weeks, proceeding 9:30 in the morning until 4:00
18 on most days.

19 Bearing in mind that schedule, the importance of this
20 case and our need for good jurors like you, are you
21 available to help us?

22 THE JUROR: Yes.

23 THE COURT: All right.

24 THE JUROR: I do have an opinion.

25 THE COURT: All right. Well, let me hear what that

1 opinion is.

2 THE JUROR: I -- my heart, I feel if somebody comes to
3 court, in my eyes, I feel they're automatically guilty.

4 THE COURT: All right. So you do not believe then in
5 the presumption of innocence?

6 THE JUROR: No.

7 THE COURT: All right. Well, I certainly hope you're
8 never charged with a crime.

9 You are excused.

10 THE JUROR: Thank you.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 65

12 COURT OFFICER: Juror Number 65.

13 THE COURT: Ms. Ramos, good afternoon.

14 THE JUROR: Hi, good afternoon.

15 THE COURT: Ms. Ramos, did you get a chance to look at
16 that list of witnesses?

17 THE JUROR: Yes.

18 THE COURT: Did you recognize any names?

19 THE JUROR: (Indicating)

20 THE COURT: Ms. Ramos, we're recording what you
21 respond, so you have to actually verbalize your response.

22 THE JUROR: Okay. No.

23 THE COURT: Ms. Ramos, we anticipate that this trial
24 will take approximately four weeks to complete, proceeding
25 from 9:30 in the morning until 4:00 in the afternoon.

1 Bearing in mind that schedule, the importance of the
2 case, and our need for good jurors like you, are you
3 available to help us?

4 THE JUROR: No.

5 THE COURT: Can you explain why?

6 THE JUROR: I have three kids and my husband is in the
7 military, so -- he's active duty.

8 THE COURT: And you made arrangements for day care
9 today?

10 THE JUROR: My husband took a day off, but he's
11 actually working at home.

12 THE COURT: So it would be a personal childcare
13 hardship for you to sit for four weeks?

14 THE JUROR: Yes.

15 THE COURT: You are excused.

16 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 66

17 COURT OFFICER: 66.

18 THE COURT: Ms. McCarthy, good afternoon.

19 THE JUROR: Hi.

20 THE COURT: Ms. McCarthy, did you get a chance to look
21 at that list of witnesses?

22 THE JUROR: Yes, I did.

23 THE COURT: Did you recognize any names?

24 THE JUROR: No, I didn't.

25 THE COURT: We anticipate this case will last

1 approximately four weeks proceeding from 9:30 in the morning
2 until 4:00 in the afternoon. Bearing in mind the importance
3 of this case and our need for good jurors like you, are you
4 available to help us?

5 THE JUROR: Yes.

6 THE COURT: Did you respond to any of my earlier
7 questions by raising your card?

8 THE JUROR: I did.

9 THE COURT: Can you -- do you recall which ones?

10 THE JUROR: Yes, members of the family in law
11 enforcement.

12 THE COURT: I see your father-in-law is a Ludlow Police
13 Officer and your niece and husband are both corrections
14 officers?

15 THE JUROR: Correct.

16 THE COURT: Is there anything about those relationships
17 or your knowledge of their lines of work that you think
18 might interfere with your ability to be fair to both sides?

19 THE JUROR: No.

20 THE COURT: Was there any other question that you
21 responded to?

22 THE JUROR: Yes, about knowing one of the attorneys.

23 THE COURT: All right. Who is it that you know?

24 THE JUROR: Attorney Frank, I believe. I work for a
25 local bank and I would see him occasionally come in and

1 conduct business. We haven't interacted in probably two
2 years.

3 THE COURT: All right. And when you did interact, it
4 was on a professional as opposed to personal basis?

5 THE JUROR: Correct.

6 THE COURT: And Mr. Frank was there conducting banking
7 business?

8 THE JUROR: Correct.

9 THE COURT: Is there anything about Mr. Frank's
10 involvement, as an attorney in this trial, that you think
11 might affect your ability to fairly and impartially evaluate
12 the evidence?

13 THE JUROR: No.

14 THE COURT: Would it be awkward for you, in any way, to
15 sit in judgment in a case for which Mr. Frank is involved?

16 MR. FRANK: No.

17 THE COURT: Did you respond to any other questions that
18 I asked?

19 THE JUROR: No, I don't think so.

20 THE COURT: All right. Have you or any family member
21 ever been the victim of a crime of violence?

22 THE JUROR: I don't think so, no.

23 THE COURT: Have you seen or heard anything about this
24 case in the media or have you discussed it with anyone?

25 THE JUROR: I haven't discussed it with anyone. I have

1 just seen briefly in the news.

2 THE COURT: All right. And do you -- did the reports
3 that you observed relate to this case or was it some prior
4 proceeding?

5 THE JUROR: It could have been a prior proceeding. I
6 don't know.

7 THE COURT: All right. Was there anything about the
8 content of what you read or heard that you think might
9 prevent you from acting fairly and impartially as a juror?

10 THE JUROR: I don't think so.

11 THE COURT: There may be evidence in this case that one
12 of the co-defendants, Mr. Hall, was affiliated with the
13 Hells Angels Motorcycle Club and this defendant, Mr. Chalue,
14 had some affiliation with the Aryan Brotherhood.

15 If you were to hear such evidence, would that prevent
16 you from acting fairly and impartially?

17 THE JUROR: Perhaps.

18 THE COURT: All right. So you think that just hearing
19 of those affiliations might so affect you that you would?

20 THE JUROR: Maybe one more than the other.

21 THE COURT: All right. And which one affects?

22 THE JUROR: Probably the Aryan Brotherhood.

23 THE COURT: All right. And you think that after
24 hearing such evidence it might be difficult for you to be
25 fair and impartial?

1 THE JUROR: Perhaps, yes.

2 THE COURT: Thank you for your honesty.

3 You are excused.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER

5 COURT OFFICER: Juror Number 68.

6 THE COURT: Mr. Lemire, good afternoon.

7 THE JUROR: Good afternoon.

8 THE COURT: Mr. Lemire did you see that list of
9 potential witnesses?

10 THE JUROR: Yes, I did.

11 THE COURT: Did you recognize any names?

12 THE JUROR: I recognized a few last names.

13 THE COURT: All right. Last names only?

14 THE JUROR: Just last names only.

15 THE COURT: And if -- well, let me ask you this, if any
16 of those people were to appear and testify in this case, are
17 they people that you actually know on a personal level?

18 THE JUROR: You mean the people that are on the list?

19 THE COURT: Yes.

20 THE JUROR: No.

21 THE COURT: You do not know them?

22 THE JUROR: I do not know them.

23 I am saying a couple of the last names I do recognize.

24 THE COURT: They sound familiar?

25 THE JUROR: They sound familiar.

1 THE COURT: All right. We anticipate this case will
2 take us four weeks to complete proceeding from 9:30 in the
3 morning until 4:00 in the afternoon.

4 Bearing in mind that schedule, the importance of this
5 case and our need for good jurors like you, are you
6 available to help us?

7 THE JUROR: I'm not working anymore so --

8 THE COURT: I'll take that as a yes.

9 THE JUROR: Yes.

10 THE COURT: Have you seen or heard anything about this
11 case in the media or have you discussed it with anyone?

12 THE JUROR: (Indicating)

13 THE COURT: Have you or any member of your family ever
14 been the victim of a crime of violence?

15 THE JUROR: Not a victim.

16 THE COURT: All right. Have you or a family ever been
17 accused?

18 THE JUROR: Yes.

19 THE COURT: Was that you or someone else in your
20 family?

21 THE JUROR: My son.

22 THE COURT: And did a criminal case result from that?

23 THE JUROR: No.

24 THE COURT: Was there anything about your son's
25 experience that might make it difficult for you to be fair

1 in this case?

2 THE JUROR: I don't know.

3 THE COURT: You think that it could?

4 THE JUROR: It could.

5 THE COURT: You are excused.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 69

7 COURT OFFICER: Juror Number 69.

8 THE COURT: Ms. Kenney, good afternoon.

9 THE JUROR: Good afternoon.

10 THE COURT: Ms. Kenney we anticipate this case is going
11 to take approximately four weeks to complete, proceeding
12 from 9:30 in the morning until 4:00 in the afternoon.

13 Bearing in mind that schedule, the importance of the
14 case and our need for good jurors like you, are you
15 available to help us?

16 THE JUROR: Yes.

17 THE COURT: Did you get a chance to read that list of
18 witnesses?

19 THE JUROR: Yes.

20 THE COURT: Did you recognize any names?

21 THE JUROR: No.

22 THE COURT: Have you seen or heard anything about this
23 case on media reports or have you discussed it with anyone?

24 THE JUROR: Yes.

25 THE COURT: And let me ask, first, have you discussed

1 it with anyone?

2 THE JUROR: Yes.

3 THE COURT: With whom have you discussed it?

4 THE JUROR: Family members as it -- when we was first
5 hearing it on the news and stuff.

6 THE COURT: All right. And can you tell me,
7 approximately, how long ago it was that you first heard it
8 about it or read about it in news reports?

9 THE JUROR: I want to say maybe seven, eight months
10 ago.

11 THE COURT: All right. And was there anything about
12 the content of what you read or heard or your discussions
13 with family members that you think might prevent you from
14 being a fair and impartial juror?

15 THE JUROR: No.

16 THE COURT: Did you raise your card in response to any
17 of my earlier questions?

18 THE JUROR: No.

19 THE COURT: Have you or any family member ever been the
20 victim of a crime of violence?

21 THE JUROR: No.

22 THE COURT: There may be evidence in this case that one
23 of the co-defendants, Mr. Hall, was affiliated with the
24 Hells Angels Motorcycle Club and that this defendant,
25 Mr. Chalue, was affiliated with the Aryan Brotherhood

1 organization. If you were to hear that kind of evidence,
2 would that prevent you from being fair and impartial?

3 THE JUROR: No.

4 THE COURT: One of the victims in this case, Robert
5 Chadwell, was African American. Mr. Chalue was Caucasian.
6 Would that evidence affect your ability to be fair and
7 impartial?

8 THE JUROR: No.

9 THE COURT: Mr. Chalue has the right to remain silent
10 at his trial. If he exercises that right and does not
11 testify, would you hold that against him in any way?

12 (Pause)

13 THE JUROR: I don't know.

14 THE COURT: All right. Well, let me ask you this, I
15 instructed you earlier it is the Commonwealth that has the
16 entire burden of proof in this case. Mr. Chalue has no
17 obligation to submit evidence or even to testify himself.
18 And I would be instructing the jury as to these legal
19 principles again at the end of trial.

20 Do you think you could follow my instructions in that
21 regard or would you hold it against him if he chose not to
22 testify?

23 THE JUROR: I could follow your regard.

24 THE COURT: All right. And one of the things I will be
25 telling you is that if he doesn't testify, you cannot hold

1 that against him.

2 THE JUROR: No.

3 THE COURT: Do you think you could follow that
4 instruction?

5 THE JUROR: Yes, sir.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered and the jury may see
8 graphic photographs. If you were to hear and see such
9 evidence, would that kind of evidence prevent you from
10 acting fairly and impartially?

11 THE JUROR: Uh-huh.

12 THE COURT: You think it would?

13 THE JUROR: Uh-huh.

14 THE COURT: You are excused.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 70

16 COURT OFFICER: Juror Number 70.

17 THE COURT: Ms. Kenney (sic), good afternoon.

18 THE JUROR: Good afternoon.

19 THE COURT: Did you get a chance to look at that list
20 of potential witnesses?

21 THE JUROR: I did.

22 THE COURT: Did you recognize any names?

23 THE JUROR: I did not.

24 THE COURT: We anticipate this trial may take
25 approximately four weeks to complete proceeding from 9:30 in

1 the morning until 4 o'clock on most days.

2 Bearing in mind that schedule, the importance of the
3 case, and our need for good jurors like you, are you
4 available to help us?

5 THE JUROR: I am.

6 THE COURT: Have you seen or heard any media reports of
7 this case or have you discussed it with anyone?

8 THE JUROR: No, I have not.

9 THE COURT: Have you or any family member ever been the
10 victim of any crime of violence?

11 THE JUROR: No.

12 THE COURT: Did you raise your card in response to any
13 of my earlier questions?

14 THE JUROR: No.

15 THE COURT: There may be evidence in this case that one
16 of the co-defendants, Mr. Hall, had some affiliation with
17 the Hells Angels Motorcycle Club and that this defendant,
18 Mr. Chalue, had some affiliation with the Aryan Brotherhood.
19 If you were to hear such evidence, would that evidence
20 prevent you from being a fair and impartial juror?

21 THE JUROR: No.

22 THE COURT: Robert Chadwell, one of the victims in this
23 case, was African American. Mr. Chalue was Caucasian.

24 Would that evidence prevent you from acting fairly and
25 impartially as a juror?

1 THE JUROR: No.

2 THE COURT: Mr. Chalue has a right to remain silent at
3 this trial. If he exercises that right and does not
4 testify, would you hold that against him?

5 THE JUROR: No.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered and that the jury may see
8 photographs of that, that some would consider graphic in
9 nature.

10 Would that evidence prevent you from being a fair and
11 impartial juror?

12 THE JUROR: No, but I don't know if it would be easy.

13 THE COURT: I understand, and I sympathize with that
14 reaction. Of course, no one want to hear or see that kind
15 of evidence. My question really is, I think you've already
16 answered, do you think you could put aside any emotional
17 response you might have and judge the facts of the case
18 fairly and impartially?

19 THE JUROR: I'll say no.

20 I don't know if I am answering that correctly.

21 THE COURT: All right. Let me come at it from a
22 slightly different angle.

23 THE JUROR: Yes, please. Okay.

24 THE COURT: One of the things I will be instructing the
25 jurors at the end of the case is that emotion or sympathy,

1 passion or prejudice, can have no role in their
2 deliberations and they are to judge the facts of the case
3 fairly and impartially.

4 Now, understanding you may see the photographs that
5 would be considered graphic or distasteful, do you think you
6 could still follow that instruction and be a fair juror?

7 THE JUROR: Yes.

8 THE COURT: Can you think of any reason, whether I have
9 asked about it or not, why you would not be fair and
10 impartial if selected?

11 THE JUROR: No.

12 THE COURT: All right. Bear with me for just a moment.

13 (Pause)

14 THE COURT: Thank you. I'm going to ask you to step
15 outside for just a minute.

16 (The juror exited.)

17 MR. CAPELESS: Before the juror goes, Your Honor, could
18 you just clarify, for the record, I believe at the outset
19 you addressed her as Ms. Kenney, which was the name of the
20 previous juror, just so the record is clear.

21 THE CLERK: This is Ms. Pandolfi, Your Honor.

22 THE COURT: All right. We can bring Ms. Kenney back.

23 COURT OFFICER: You want Ms. Pandolfi?

24 THE CLERK: Ms. Pandolfi.

25 THE COURT: Ms. Pandolfi, I have to apologize, I

1 addressed you as Ms. Kenney.

2 THE JUROR: Oh.

3 THE COURT: Ms. Kenney was name of the last juror that
4 came in and I was still looking at her biographical form.

5 THE JUROR: Okay.

6 THE COURT: And I wanted, since we are keeping a record
7 of this, I wanted to be clear you are not Ms. Kenney, you
8 are Ms. Pandolfi, but I'm certainly hoping that you are
9 about to tell me none of your answers will change.

10 THE JUROR: None of my answers will change.

11 THE COURT: Thank you. I will ask you to step back in
12 the hallway for just a minute.

13 (The juror exited.)

14 THE COURT: I find her indifferent.

15 MR. CAPELESS: The Commonwealth is content with this
16 juror, Your Honor.

17 MR. FRANK: Defense is content.

18 THE COURT: All right. Seat number eight, is that
19 correct?

20 THE CLERK: Yes Your Honor.

21 (The juror entered.)

22 THE COURT: Ms. Pandolfi, you have been selected to sit
23 as a juror in this case. You are going to be in seat number
24 eight. We are not going to begin the trial, so I'm going to
25 excuse you.

1 THE JUROR: Okay.

2 THE COURT: And I'm asking you to return not tomorrow
3 morning, but Thursday morning at 9:30, when the trial will
4 commence.

5 THE JUROR: Okay.

6 THE COURT: The Court Officers will show you where to
7 report on Thursday.

8 In the meantime, it's important that you not discuss
9 the case with anyone. You can certainly discuss the fact
10 that you have been selected to sit on the jury and the
11 anticipated time frame. Beyond that, please don't invite
12 comments by anyone else by disclosing what case it is.

13 THE JUROR: Okay.

14 THE COURT: Also, don't conduct any independent
15 investigation of any sort. Don't observe any media reports.
16 And when you arrive here on Thursday morning, don't discuss
17 it with your fellow jurors until you have had an opportunity
18 to come into the courtroom. And with that, Ms. Pandolfi,
19 you are excused and we will see you Thursday morning.

20 THE JUROR: Thank you.

21 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 73

22 COURT OFFICER: Juror Number 73.

23 THE COURT: Ms. Hartman, good afternoon.

24 THE JUROR: Good afternoon.

25 THE COURT: Ms. Hartman, did you get a chance to look

1 at that list of names of witnesses?

2 THE JUROR: (Indicating)

3 THE COURT: Did you recognize any names?

4 THE JUROR: No.

5 THE COURT: Ms. Hartman, we anticipate that this trial
6 will last four weeks, proceeding from 9:30 in the morning
7 until 4:00 in the afternoon.

8 Bearing in mind that schedule, the importance of the
9 case, and our need for good jurors like you, are you
10 available to help us?

11 THE JUROR: Can you say that again?

12 THE COURT: Let me ask you, Ms. Hartman, do you have
13 some difficulty understanding English?

14 THE JUROR: A little bit.

15 THE COURT: A little bit.

16 English is your second language?

17 THE JUROR: Yeah.

18 THE COURT: Were you able to understand my earlier
19 questions that I asked of the entire group?

20 THE JUROR: Some.

21 THE COURT: Not all of them?

22 THE JUROR: Some of them. (Indicating)

23 THE COURT: All right. Thank you. I think with that
24 understanding, I'm going to excuse you from jury service.

25 THE JUROR: Okay.

1 THE COURT: Thank you.

2 (The juror exited.)

3 THE COURT: Mr. Curtis, can you come back in after
4 you -- I think because it's almost 1:00, and I want to
5 bring the jurors back into the courtroom and give them some
6 instructions before I excuse them for the lunch break we
7 will do that now so we can have the full lunch hour.

8 I will take a brief recess until they are back in
9 courtroom.

10 (The Court exited at 12:48 p.m.)

11 (* * * * *)

12 (The Court entered at 12:51 p.m.)

13 (The defendant was present.)

14 (The venire was present.)

15 THE COURT: Ladies and gentlemen, I know it's been a
16 long morning. Thank you for your patience. I apologize for
17 the delay.

18 As you can see, your number has been reduced
19 significantly. We have been through a lot of jurors this
20 morning. And we're prepared to take a lunch break and I
21 wanted to give you some instructions before the lunch break
22 because we're going to resume the jury deliberation -- I'm
23 sorry, jury selection process at two o'clock.

24 During the course of the lunch break, you are free to
25 do what you want except for these restrictions: Please

1 don't discuss the case among yourselves or with anyone else,
2 you can certainly explain to whomever needs to know you are
3 still involved in the process of jury selection, beyond that
4 say no more. If you were to comment on the kind of case or
5 the name of the case, that has a way of inviting comment
6 from the people to whom you are disclosing that information
7 and it will be inappropriate for you to consider that.
8 Don't observe any media reports in any way and don't make
9 any effort to investigate the case independently.

10 We will resume at two o'clock. The Court Officers will
11 show you where to resume at two o'clock.

12 You are now excused.

13 Court is in recess.

14 (The Court exited at 12:52 p.m.)

15 (* * * * *)

16 (The Court entered at 2:04 p.m.)

17 (The defendant was present.)

18 THE COURT: Good afternoon. Thank you.

19 Please be seated.

20 Counsel, anything to take up before we continue the
21 process?

22 (Pause)

23 THE COURT: All right. We can bring the next juror in,
24 please.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 78

1 COURT OFFICER: Juror Number 78.

2 THE COURT: Mr. Forfa, good afternoon.

3 First of all, did you have an opportunity to look at
4 that list of potential witnesses?

5 THE JUROR: Yes.

6 THE COURT: Did you recognize any names?

7 THE JUROR: No.

8 THE COURT: We anticipate this case, this trial will
9 last approximately four weeks, proceeding from 9:30 in the
10 morning until four o'clock in the afternoon on most days.

11 Bearing in mind that schedule, the importance of the
12 case, and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: Sure.

15 THE COURT: Have you seen or heard anything about the
16 case on any media report?

17 THE JUROR: No.

18 THE COURT: Have you discussed the case with anyone?

19 THE JUROR: No.

20 THE COURT: Have -- did you respond to any of my
21 earlier questions by raising your card?

22 THE JUROR: No.

23 THE COURT: Have you or any close family member ever
24 been the victim of a crime of violence?

25 THE JUROR: No.

1 THE COURT: There may be evidence in this case that one
2 of the defendants, Mr. Hall -- one of the co-defendant's
3 that is, had some affiliation with the Hells Angels
4 Motorcycle Club and this defendant, Mr. Chalue, had some
5 affiliation with an organization known as the Aryan
6 Brotherhood.

7 Would such evidence, if you were to hear it, interfere
8 with your ability to be a fair and impartial juror?

9 THE JUROR: No.

10 THE COURT: The defendant has an absolute right to
11 remain silent. And if he exercises that right to remain
12 silent, would you exercise that against him in way?

13 THE JUROR: No.

14 THE COURT: One of the victims, Robert Chadwell, was an
15 African American. The defendant is Caucasian. Would those
16 facts prevent you from acting as a fair and impartial juror?

17 THE JUROR: No.

18 THE COURT: There may be evidence in the case the
19 victims' bodies were dismembered and the jurors may be
20 exposed to photographs that some might consider graphic.

21 If you were to see and hear such evidence, would that
22 prevent you from acting fairly and impartially?

23 THE JUROR: No.

24 THE COURT: Can you think of any reason, whether I have
25 asked about it or not, why would you would not be a fair and

1 impartial juror?

2 THE JUROR: No.

3 THE COURT: Mr. Forma, you did make some reference on
4 your biographical form to your medical training and
5 something to do with the insurance industry? I can't quite
6 make it out.

7 I take it the way you have referred to there would not
8 affect your ability to act fairly and impartially in a
9 criminal trial such as this one?

10 THE JUROR: No.

11 THE COURT: Meaning it would not?

12 THE JUROR: It would not.

13 THE COURT: Thank you.

14 I'm going to ask you to step outside for just a minute.

15 THE JUROR: Okay.

16 (The juror exited.)

17 THE COURT: I find him indifferent.

18 MR. CAPELESS: Commonwealth is content with this juror,
19 Your Honor.

20 (Pause)

21 MR. FRANK: Judge, regarding the part three question
22 depending on the case, my medical -- I'm reading it. It's a
23 little hard to read, I want to make sure for the record it's
24 clear.

25 THE COURT: All right.

1 MR. FRANK: My medical training something --

2 THE COURT: Education.

3 MR. FRANK: -- as well as training with insurance
4 industry may influence my decision as a juror.

5 And you asked him -- you asked him -- I believe he said
6 in a criminal case it would not; but I think that given his
7 statements, further questioning regarding that would make a
8 difference.

9 There is medical testimony and it may be disputed.

10 THE COURT: All right. Is there a question you would
11 like me to ask specifically?

12 MR. FRANK: Yes, I would like you to ask him
13 specifically what is it he meant, in what way might his
14 medical training affect his decision making.

15 THE COURT: All right. I will ask that question.

16 MR. FRANK: Thank you.

17 (The juror entered.)

18 THE COURT: Mr. Forma, I want to ask you a followup
19 question, if I could.

20 The disclosure that you did make regarding your medical
21 training, can you articulate for us or elaborate a little
22 bit more on the concern you were expressing there?

23 THE JUROR: Basically, just depending on the case,
24 certain facts, because of my medical training, certain
25 things, specifically with medical injuries and things of

1 that nature may have swayed my line of thinking along
2 certain evidence.

3 THE COURT: All right. Well, let me say this, it is
4 likely that there will be evidence in this case from medical
5 examiners or potentially other medical experts who will
6 offer opinions regarding cause of death or certain blows --

7 THE JUROR: Sure.

8 THE COURT: -- certain trauma.

9 Do you think you would be able to follow my instruction
10 regarding considering that evidence in an objective way --

11 THE JUROR: Certainly.

12 THE COURT: -- and considering only what you see and
13 hear in the courtroom?

14 THE JUROR: Certainly.

15 THE COURT: All right. Thank you.

16 (The juror exited.)

17 THE COURT: Again, I find him indifferent.

18 Mr. Capeless.

19 MR. CAPELESS: Commonwealth remains content, Your
20 Honor.

21 THE COURT: Mr. Frank?

22 MR. FRANK: Defendant content.

23 THE COURT: All right. Very well, Juror Number 9.

24 (The juror entered.)

25 THE COURT: Mr. Forma, we are going to seat you as

1 Juror Number 9, which means you have been selected as a
2 juror in this case.

3 We actually are not going to start the trial until
4 Thursday morning. Not tomorrow morning, Thursday morning at
5 9:30.

6 The Court Officers will show you where to report on
7 Thursday.

8 In the interim, please don't discuss the case with
9 anyone, except, I understand you may want to share with your
10 employer or family members that you have been selected to
11 sit as a juror and the anticipated duration. Beyond that,
12 please say no more.

13 THE JUROR: Yes.

14 THE COURT: Also, don't conduct any independent
15 investigation of any aspect of the case and disregard any
16 media reports should there be any. With that, Mr. Forma,
17 you are excused.

18 We will see you Thursday morning at 9:30.

19 THE JUROR: Thank you.

20 (The juror exited.)

21 MR. CAPELESS: Your Honor --

22 THE COURT: Yes.

23 COURT OFFICER: Juror Number 80.

24 THE COURT: Hold on.

25 MR. CAPELESS: -- I realize I should have brought this

1 up before, particularly since we just sat the juror.

2 I had made the Court aware of the situation regarding
3 the death of Mr. Haywood. We've made inquiry, several of
4 the witnesses, as well as the family members of Mr. Chadwell
5 who had been planning on attending and had attended all of
6 the Hall trial and are planning on attending this trial as
7 well, will be attending the service on Thursday. It's the
8 Commonwealth's request that we delay the case for one day
9 until Friday.

10 THE COURT: Are there any people that -- I understand
11 they wish to attend the trial. Are there any witnesses that
12 would be unavailable on Thursday as a result of the service?

13 MR. CAPELESS: If they are attending, yes.

14 I'm not sure if I understand.

15 THE COURT: Well, the family members of --

16 MR. CAPELESS: Mr. Chadwell.

17 THE COURT: -- Mr. Chadwell.

18 MR. CAPELESS: And this extended family as well is very
19 close friends including some of the witnesses.

20 THE COURT: All right.

21 MR. CAPELESS: Lester Chadwell was his brother.

22 THE COURT: I'm remembering now that Lester Chadwell
23 did testify at the trial and I am just wondering whether or
24 not there aren't parts of the trial that we could proceed
25 with on Thursday so as not to waste the day entirely.

1 So let's all think about that. We have the jurors'
2 numbers, if there is a need to make some adjustments we can
3 do that.

4 MR. CAPELESS: All right. Thank you, Your Honor.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 80

6 COURT OFFICER: Juror Number 80.

7 THE COURT: Mr. Spear, good afternoon.

8 THE JUROR: Good afternoon.

9 THE COURT: Mr. Speer, did you have a chance to look at
10 that list of potential witnesses?

11 THE JUROR: Yes, I did.

12 THE COURT: Did you recognize any names?

13 THE JUROR: No, I did not.

14 THE COURT: We anticipate that the trial of this case
15 is going to last four weeks starting at 9:30 each morning
16 and ending at four o'clock on most days.

17 Bearing in mind that schedule, and the importance of
18 this case, and our need for good jurors like you, are
19 available to help us?

20 THE JUROR: Not really. I'm training for my -- I
21 recently got hired at MassMutual so I am going through
22 training there.

23 If the case needed me, I would be happy to serve.

24 THE COURT: Well, of course we need every potential
25 juror. I'm hesitating only because I don't want to put you

1 in a position where you might be suffering some economic
2 hardship as a result of serving on a jury of this case. Do
3 you think that is a possibility?

4 THE JUROR: Yes, I would think that.

5 THE COURT: All right. You are excused.

6 THE JUROR: All right.

7 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 81

8 COURT OFFICER: Juror Number 81.

9 THE COURT: Mr. O'Sullivan good afternoon.

10 THE JUROR: Good afternoon.

11 THE COURT: Thank you for your patience.

12 Did you get a chance to look at that list of potential
13 witnesses?

14 THE JUROR: Yes, I did.

15 THE COURT: Did you recognize any names?

16 THE JUROR: No.

17 THE COURT: We anticipate the trial of this case is
18 going to last approximately four weeks, proceeding each day
19 from 9:30 in the morning until 4:00 in the afternoon.

20 Bearing in mind that schedule, the importance of this
21 case and our need for good jurors like you, are you
22 available to help us?

23 THE JUROR: It would probably be a hardship for me
24 because I'm a commissioned sales person and I'm the only
25 body in my office that -- I'm a mortgage officer.

1 THE COURT: So if you were not in your office for four
2 weeks, that would be four weeks that you would be without
3 income?

4 THE JUROR: Right. Plus I would -- there's nobody in
5 the office that can take over for me either.

6 THE COURT: And would that cause you a financial
7 hardship?

8 THE JUROR: Yes, it would.

9 THE COURT: You are excused.

10 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 83

11 COURT OFFICER: Juror Number 83.

12 THE COURT: Ms. Blankenship, good afternoon.

13 THE JUROR: Good afternoon.

14 THE COURT: Did you have a chance to look at that list
15 of potential witnesses?

16 THE JUROR: Uh-huh.

17 THE COURT: Did you recognize any names?

18 THE JUROR: No, none.

19 THE COURT: We anticipate the trial of this case will
20 last approximately four weeks proceeding from 9:30 in the
21 morning until four o'clock in the afternoon on most days.

22 Bearing in mind that schedule, the importance of the
23 case, and our need for good jurors like you, are you
24 available to help us?

25 THE JUROR: Yes.

1 THE COURT: All right. Is there something on your mind
2 that you would like to share?

3 THE JUROR: I work in a small operating room. I'm the
4 only surgical tech. in that group, so it would be a hardship
5 for the surgeons and patients that I am involved with.

6 That would be the only thing for me.

7 THE COURT: I understand it would be a temporary
8 hardship for your co-workers, would it be a financial
9 hardship for you?

10 THE JUROR: I haven't really thought of that.

11 I'm the major bread winner in our family, so, yes it
12 would.

13 THE COURT: You are excused.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 85

15 COURT OFFICER: Juror Number 85.

16 THE COURT: Mr. Condon, good afternoon.

17 THE JUROR: Good morning.

18 THE COURT: Did you get a chance to look at that list
19 of potential witnesses?

20 THE JUROR: I did.

21 THE COURT: Did you recognize any names?

22 THE JUROR: No.

23 THE COURT: We anticipate the trial of this case will
24 last approximately four weeks, proceeding from 9:30 in the
25 morning until four o'clock on most days.

1 Bearing in mind that schedule, the importance of the
2 case, and our need for good jurors like you, are you
3 available to help us?

4 THE JUROR: I run a company. It would be difficult for
5 me.

6 THE COURT: You say you run a company, you're the vice
7 president at northeast security solutions?

8 THE JUROR: Yes, I run the day-to-day operations.

9 THE COURT: So someone stands in for you when you are
10 not there?

11 THE JUROR: Basically, work just piles up until I get
12 back.

13 THE COURT: All right. Well, do you think that if you
14 were selected as a juror, you would be able to devote your
15 attention to what's happening here in the courtroom as
16 opposed to things that you think you perhaps should be doing
17 at work?

18 THE JUROR: I would catch up a little bit at night.

19 THE COURT: All right.

20 THE JUROR: It would be difficult, I could do it.

21 THE COURT: You could make it work, that was the
22 question?

23 THE JUROR: Yeah.

24 THE COURT: All right. Have you seen or heard anything
25 about this case, media reports, or have you discussed it

1 with anyone?

2 THE JUROR: Just what they were showing on 22 News
3 about them selecting for a jury today.

4 THE COURT: And that was a recent report that you saw?

5 THE JUROR: Yeah.

6 THE COURT: Was there anything about the content of
7 that report that you think might prevent you from acting as
8 a fair and impartial juror?

9 THE JUROR: No, they just said they were selecting
10 jurors today.

11 THE COURT: Have you or any family member ever been the
12 victim of a crime of violence?

13 THE JUROR: Not of violence, no.

14 THE COURT: All right. Have you been a victim of a
15 crime that was nonviolent?

16 THE JUROR: Yeah, my family -- the company I work for
17 was a victim of arson.

18 THE COURT: All right. And did a criminal prosecution
19 result?

20 THE JUROR: Yes.

21 THE COURT: Was there anything about that experience
22 that your business has or family business had as a victim of
23 arson that might affect in any way your ability to be a fair
24 and impartial juror in this case?

25 THE JUROR: I don't believe so.

1 THE COURT: All right. There may be evidence in this
2 case that one of the co-defendants, Mr. Hall, had some
3 affiliation with the Hells Angels Motorcycle Club and that
4 this defendant, Mr. Chalue, had some affiliation with the
5 Aryan Brotherhood.

6 If you were to hear such evidence would that prevent
7 you from acting fairly and impartially?

8 THE JUROR: I don't think so.

9 THE COURT: Robert Chadwell, one of the victims, was an
10 African American. Mr. Chalue, the defendant, is Caucasian.
11 Would that fact prevent you from acting fairly and
12 impartially?

13 THE JUROR: No.

14 THE COURT: The defendant has a right to, absolute
15 right to remain silent at his trial. If he exercises that
16 right and does not testify, would you hold that against him
17 in any way?

18 THE JUROR: It's his right.

19 THE COURT: There may be evidence in this case that the
20 victims' bodies were dismembered and the jury may be exposed
21 to photographs that are graphic in nature. Would such
22 evidence prevent you from acting fairly and impartially as a
23 juror?

24 THE JUROR: I think it would be difficult to look at,
25 but I wouldn't say it would question my judgment.

1 THE COURT: All right. Let me summarize what I think
2 you just told me and to make sure I understand.

3 You said it would be difficult to look at, and which
4 I'm sure most jurors would agree with. And the question
5 really was, would it affect your ability to be fair and
6 impartial? And I think your answer was no; is that?

7 THE JUROR: Yeah, correct.

8 THE COURT: All right. Is there any other reason,
9 whether I have asked about it or not, why you might not be a
10 fair and impartial juror?

11 THE JUROR: No, not that I can think of.

12 THE COURT: Did you respond to any of my earlier
13 questions by raising your card?

14 THE JUROR: I did not.

15 THE COURT: All right. Thank you very much. If you
16 could step into the hallway for just a minute.

17 (The juror exited.)

18 THE COURT: I find him indifferent.

19 MR. CAPELESS: Commonwealth challenges this juror, Your
20 Honor.

21 THE COURT: Very well.

22 (The juror entered.)

23 THE COURT: Mr. Condon, thank you for your service.
24 You have been excused.

25 THE JUROR: Thank you.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 88

2 COURT OFFICER: Juror Number 88.

3 THE COURT: Ms. Martin, good afternoon.

4 THE JUROR: Hi.

5 THE COURT: Ms. Martin, did you have a chance to look
6 at that list of potential witnesses?

7 THE JUROR: I did.

8 THE COURT: Did you recognize any names?

9 THE JUROR: No.

10 THE COURT: Have you seen or heard any reports, media
11 reports regarding this case?

12 THE JUROR: I did this morning on the news.

13 THE COURT: All right. Was there anything about the
14 content of the report that you think would affect your
15 ability to sit as a fair and impartial juror?

16 THE JUROR: No.

17 THE COURT: Have you discussed the case with anyone?

18 THE JUROR: No.

19 THE COURT: All right. You're certain of that? You
20 look puzzled.

21 THE JUROR: Well, we just discussed what happened real
22 quick on like what we seen on the news. They said it was a
23 Hells Angels deal or something like that, and that was about
24 it.

25 THE COURT: All right. And when you say "we" you're

1 referring to?

2 THE JUROR: My boyfriend.

3 THE COURT: All right. And was there anything about
4 the content of that discussion that you think might affect
5 your ability to fairly and impartially listen to the
6 evidence?

7 THE JUROR: No.

8 THE COURT: We anticipate this trial will last
9 approximately four weeks proceeding from 9:30 in the morning
10 until four o'clock in the afternoon on most days.

11 Bearing in mind that schedule, the importance of the
12 case, and our need for good jurors like you, are you
13 available to help us?

14 THE JUROR: I -- my main concern is I'm a nurse's aide
15 and I take care of a man whose quadraplegic Monday through
16 Friday at 9:00 a.m. and I'm not sure if he has a backup or
17 not. That's only my main concern, but other than that I
18 would be available.

19 I don't know what to do about that.

20 THE COURT: And how long is it you have been working
21 for that particular patient?

22 THE JUROR: A little over a year.

23 THE COURT: Do you know what he was doing before you
24 saw him?

25 THE JUROR: He had another lady, but she's not there

1 anymore.

2 THE COURT: All right. So you don't know whether or
3 not he has other arrangements?

4 THE JUROR: He knew I was coming to jury duty and he
5 didn't -- we didn't really say anything, you know, he
6 just -- we just -- he didn't really say anything about it.

7 THE COURT: All right. All right. Well, let's put
8 that question aside for just a moment.

9 THE JUROR: Sure.

10 THE COURT: Have you or any family member or close
11 friend ever been the victim of a crime of violence?

12 THE JUROR: No.

13 THE COURT: There may be evidence in this case that one
14 of the co-defendants, Mr. Hall, was a member of the Hells
15 Angels Motorcycle Club and that this defendant, Mr. Chalue,
16 had some affiliation with the Aryan Brotherhood.

17 If you were to hear such evidence, would that evidence
18 prevent you from being a fair and impartial juror?

19 THE JUROR: No.

20 THE COURT: Robert Chadwell, one of the victims in this
21 case was African American. The defendant, Mr. Chalue, is
22 Caucasian.

23 Do those facts prevent you from -- would those facts
24 prevent you from being a fair and impartial juror?

25 THE JUROR: No.

1 THE COURT: Mr. Chalue has an absolute right to remain
2 silent during the course of this trial. If he exercises
3 that right and does not testify, would you hold that against
4 him in any way?

5 THE JUROR: No.

6 THE COURT: There may be evidence in this case that the
7 victims' bodies were dismembered and the jury may be exposed
8 to photographs that some might consider graphic in nature.

9 If you were to see and hear such evidence, would that
10 prevent you from being a fair and impartial juror?

11 THE JUROR: No.

12 THE COURT: Can you think of any other reason, whether
13 I have asked about it or not, why you could not be a fair
14 and impartial juror?

15 THE JUROR: No.

16 THE COURT: Thank you.

17 Did you respond to any of my earlier questions by
18 raising your card?

19 THE JUROR: No.

20 THE COURT: I see that you or someone in your family
21 had some traffic incident long ago?

22 THE JUROR: Uh-huh.

23 THE COURT: Anything about those experiences that would
24 in any way affect your ability to be a fair and impartial
25 juror in this case?

1 THE JUROR: No.

2 THE COURT: Thank you. If you could step out into the
3 hallway for just a second.

4 (The juror exited.)

5 THE COURT: I find her indifferent.

6 (Pause)

7 MR. CAPELESS: Judge, I just raise the concern about
8 this issue as to whether or not, you know, her client is
9 going to have somebody fill in.

10 She said she didn't even know about today and if she
11 gets picked we start the trial and she finds out, you know,
12 they're scrambling, she may be distracted. I don't know if
13 you can inquire further about that.

14 THE COURT: All right. Mr. Frank, do you share
15 Mr. Capeless' concern?

16 MR. FRANK: I do.

17 THE COURT: Then to eliminate that potential problem,
18 since you both raise the concern, rather than spending
19 additional time, I'm prepared to excuse her.

20 Any objection, Mr. Capeless?

21 MR. CAPELESS: No, Your Honor.

22 THE COURT: Mr. Frank?

23 MR. REARDON: Your Honor, frankly, we like her and we
24 would like her. I don't want her excused. I think that it
25 may be a matter of having her to make a phone call to

1 Stavros, her employer.

2 THE COURT: I'm going to make a decision today, so I
3 will call her in and ask followup questions, if that's what
4 you would like me to do.

5 MR. FRANK: Please.

6 THE COURT: Is that your request?

7 MR. FRANK: Yes.

8 (The juror entered.)

9 THE COURT: Ms. Martin, thank you for your patience. I
10 wanted to ask --

11 THE JUROR: Of course.

12 THE COURT: I wanted to ask you a follow-up question
13 regarding your personal care attendant responsibilities.

14 If you were chosen to sit as a juror in this case,
15 would your obligations at work distract you from your
16 attention to the evidence?

17 THE JUROR: No.

18 THE COURT: All right. And do you think if you were
19 chosen, that you could focus on the task at hand, that is
20 the evidence in this case and put your professional
21 responsibilities to the side?

22 THE JUROR: Yes.

23 THE COURT: All right. Thank you. If you could stand
24 in the hallway.

25 THE JUROR: Sure.

1 (The juror exited.)

2 THE COURT: I find her indifferent.

3 MR. CAPELESS: The Commonwealth challenges this juror,
4 Your Honor.

5 (The juror entered.)

6 THE COURT: Ms. Martin, thank you for your service.
7 You have been excused.

8 THE JUROR: Thank you.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 89

10 COURT OFFICER: Juror Number 89.

11 THE COURT: Ms. Bianchi, good afternoon.

12 THE JUROR: Good afternoon.

13 THE COURT: Did you have a chance to look at that list
14 of potential witnesses?

15 THE JUROR: I did.

16 THE COURT: Did you recognize any names?

17 THE JUROR: I did not.

18 THE COURT: We anticipate the trial of this case may
19 last approximately four weeks beginning at 9:30 each day and
20 proceeding until four o'clock, with some variations.

21 Bearing in mind the importance of this case and our
22 need for good jurors like you, are you available to help us?

23 THE JUROR: My concern is I am currently undergoing
24 some medical tests that are not conclusive. I have been to
25 an out-patient, my doctor a couple of times. We are doing

1 blood work. I may be scheduled for a procedure next week.
2 That's my main concern. Separate from that, my work does
3 require a fair amount of travel, which I already put on hold
4 because of this. So those are just honest concerns that I
5 do have with the duration of the trial.

6 THE COURT: All right. Well, let me start with concern
7 number two, that is your professional concerns.

8 Are they such that you think you would either suffer an
9 economic hardship or would otherwise be distracted from your
10 work as a juror?

11 THE JUROR: In the economic hardship and all, as you
12 know my company is very good about that. We have, though,
13 in my department just had an employee come back who was on
14 Grand Jury for three months. So we have had a little bit of
15 setback there. It's more the attention because of the role
16 that I do have of being out that long. I do have to admit,
17 I would do my best, but it would be a very anxious situation
18 for me.

19 THE COURT: So it sounds as if you think there's some
20 potential that you might be distracted?

21 THE JUROR: Yes. It would be hard for me to have my
22 mind off of what's going on in my department based on some
23 recent transitions in organizational changes.

24 THE COURT: You are excused.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 90

1 COURT OFFICER: Juror Number 90.

2 THE COURT: Mr. Ford, good afternoon.

3 THE JUROR: Good afternoon.

4 THE COURT: Did you have a chance to look at that list
5 of potential witnesses?

6 THE JUROR: Yes, I did.

7 THE COURT: Did you recognize any names?

8 THE JUROR: The only name I noticed was Glasser whose
9 also my attorney. I wasn't sure if he was related in any
10 way.

11 THE COURT: All right. Quite certain that the answer
12 is no.

13 THE JUROR: Okay.

14 THE COURT: But if that changes, I will certainly let
15 you know. You're talking about the Glasser you know is your
16 lawyer?

17 THE JUROR: Correct. Correct.

18 THE COURT: Have you seen or heard any media reports
19 regarding this case?

20 THE JUROR: Yes.

21 THE COURT: What was the most recent report that you
22 heard?

23 THE JUROR: One of them was on trial recently.

24 THE COURT: All right. And was there anything about
25 the content of what you heard or read that you think might

1 affect your ability to be a fair and impartial juror in this
2 case?

3 THE JUROR: Yes.

4 THE COURT: How so?

5 THE JUROR: What happened to the victims.

6 THE COURT: All right. And you think that your ability
7 to act fairly and impartially may be affected by what you
8 already know?

9 THE JUROR: Correct.

10 THE COURT: You are excused.

11 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 91

12 COURT OFFICER: Juror Number 91.

13 THE COURT: Mr. Shepherd, good afternoon.

14 THE JUROR: Good afternoon, sir.

15 THE COURT: Did you look at that list of potential
16 witnesses?

17 THE JUROR: Yes.

18 THE COURT: Did you recognize any names?

19 THE JUROR: No witnesses.

20 THE COURT: Were there other names you recognized in
21 connection with this case in any way?

22 THE JUROR: I did recognize the two Springfield Police
23 Officer's names.

24 THE COURT: That were on the witness list?

25 THE JUROR: No one on the witness list that I

1 recognized.

2 THE COURT: All right. So what Springfield Police
3 Officers' names are you referring to?

4 THE JUROR: Officer Santiago and Vargas, Hector.

5 THE COURT: All right. These are people that you know?

6 THE JUROR: Yes.

7 THE COURT: I see. I'm sorry. Anything about your
8 relationship with those police officers that you think might
9 affect your ability to be fair and impartial in this case?

10 THE JUROR: I don't think so.

11 THE COURT: All right. In what capacity do you work
12 with them?

13 THE JUROR: I'm a paramedic for City of Springfield,
14 part of American Medical Response.

15 THE COURT: I see. Did you respond to any other
16 questions that I asked of the entire group earlier?

17 THE JUROR: Yes.

18 THE COURT: Do you recall which ones?

19 THE JUROR: Excuse me?

20 THE COURT: Do you recall which ones?

21 THE JUROR: One about working for law enforcement
22 agency.

23 THE COURT: All right.

24 THE JUROR: I worked for sheriff's county agency out
25 west.

1 THE COURT: And was there anything about your work in
2 that capacity that might cause you to favor one side over
3 the other?

4 THE JUROR: I tend to have a lot of respect for the
5 police and their abilities to be truthful.

6 THE COURT: All right. And let me ask you, when I
7 asked that question earlier, if anyone thought that they
8 would tend to believe or disbelieve the testimony of a
9 police officer as opposed to other witnesses, my
10 recollection is that you did not raise your hand.

11 THE JUROR: I answered no, yes; because I kind of had
12 to think about that a little bit.

13 THE COURT: All right. Well, as you stand here right
14 now and do you think you would tend to elevate the testimony
15 of police officers at this trial over the testimony of other
16 lay witnesses?

17 THE JUROR: I think I would, Your Honor.

18 THE COURT: You are excused.

19 THE JUROR: Thank you.

20 (The juror exited.)

21 MR. FRANK: Judge, before the next potential juror
22 comes through --

23 THE COURT: Hold on just a minute, Mr. Curtis.

24 MR. FRANK: Yes. By my count that's the third
25 potential juror whose indicated in a more intimate setting

1 that they would tend to elevate the testimony of a police
2 officer. I would now ask that question be re-asked in this
3 setting.

4 THE COURT: I will do so.

5 MR. FRANK: Thank you.

6 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 93

7 COURT OFFICER: Juror Number 93.

8 THE COURT: Mr. Reed, good afternoon. Good afternoon.

9 THE JUROR: Good afternoon, Your Honor.

10 THE COURT: Did you have an opportunity to look at that
11 list of witnesses?

12 THE JUROR: I did, sir.

13 THE COURT: Did you recognize any names?

14 THE JUROR: No, I did not.

15 THE COURT: We anticipate this case will last
16 approximately four weeks, proceeding from 9:30 in the
17 morning until four o'clock in the afternoon.

18 Bearing in mind that schedule, the importance of the
19 case, and our need for good jurors like you, are you
20 available to help us?

21 THE JUROR: Can I say something that's not related to
22 your questions?

23 THE COURT: You can, but let's start with the answer to
24 my question first, and then I will move on to your concern.

25 THE JUROR: Okay. What was it again?

1 THE COURT: The case --

2 THE JUROR: Am I available 9:00 to 4:00?

3 THE COURT: Yes.

4 THE JUROR: Yes.

5 THE COURT: All right. Now your concern?

6 THE JUROR: You know, I thought it was going to be, you
7 know, somebody robs a convenience store, but I don't know if
8 I could, you know, be comfortable sending somebody to prison
9 for the rest of their life.

10 THE COURT: Well, let me just take a step back and make
11 sure you understand that your role as juror would be to
12 determine what the facts are. You would not be involved in
13 the decision as to what the penalty should be, should there
14 be a penalty required.

15 Are you telling me that given the nature of the case,
16 you do not think you would be fair and impartial?

17 THE JUROR: I don't think I could.

18 THE COURT: You're excused.

19 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 94

20 COURT OFFICER: Juror Number 94.

21 THE COURT: Mr. Ross, good afternoon.

22 THE JUROR: Hello.

23 THE COURT: Did you have an opportunity to look at that
24 list of witnesses?

25 THE JUROR: Yes.

1 THE COURT: Did you recognize any names?

2 THE JUROR: No.

3 THE COURT: We anticipate this case will last
4 approximately four weeks proceeding 9:30 in the morning
5 until four o'clock in the afternoon, with certain
6 exceptions.

7 Bearing in mind that schedule, the importance of the
8 case and our need for good jurors like you, are you
9 available to help us?

10 THE JUROR: Unfortunately I have a vacation already
11 paid for in two weeks.

12 THE COURT: You are excused.

13 THE JUROR: Thank you.

14 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 95

15 COURT OFFICER: Juror Number 95.

16 THE COURT: Mr. DiSanto, good afternoon.

17 THE JUROR: Hi.

18 THE COURT: Did you have an opportunity to look at that
19 list of witnesses?

20 THE JUROR: Yes.

21 THE COURT: Did you recognize any names?

22 THE JUROR: No.

23 THE COURT: I see from your biographical form that you
24 have strong religious beliefs. Is there anything about
25 those beliefs that you think would interfere with your

1 ability to be a fair and impartial juror?

2 THE JUROR: The only thing that comes to mind is if all
3 of the evidence isn't presented, for whatever reason, there
4 are certain things that get withheld, it would bother my
5 conscious.

6 THE COURT: All right. And is that tied to religious
7 views?

8 THE JUROR: Yes.

9 THE COURT: Let me ask you this question. Ultimately,
10 if you were selected as a juror, you would be called upon
11 collectively with the other jurors to determine what the
12 facts in this case are.

13 And I would be advising you as to how you determine the
14 credibility of certain witnesses. And that emotion or
15 sympathy, passion or prejudice, should have no role in your
16 objective determination of the facts. Do you think you
17 could follow that instruction?

18 THE JUROR: Yes.

19 THE COURT: Have you seen or heard anything about this
20 case on the media?

21 THE JUROR: In the news.

22 THE COURT: All right. Was there anything about the
23 content of what you heard or saw in media reports that you
24 think might interfere with your ability to be fair and
25 impartial?

1 THE JUROR: No.

2 THE COURT: Have you or any member of your family ever
3 been the victim of a crime of violence?

4 THE JUROR: No.

5 THE COURT: Did you respond to any of my earlier
6 questions by raising your card?

7 THE JUROR: Yes.

8 THE COURT: Do you recall which ones?

9 You know somebody in law enforcement, I see from your
10 form?

11 THE JUROR: Yes, but not on that list.

12 THE COURT: And your wife's cousin works for the
13 Westfield Police Department. Anything about your
14 relationship with that person that might cause you to favor
15 one side over the other?

16 THE JUROR: (Indicating)

17 THE COURT: Sorry. We have to record your answer.

18 THE JUROR: No.

19 THE COURT: Was that the only question you responded
20 to, that is the law enforcement relationship?

21 THE JUROR: I believe you read off the religious as
22 well.

23 THE COURT: All right.

24 I also asked -- Ms. Capeless, do we have a record of --

25 THE CLERK: It was that question, all encompassing

1 question, religious beliefs.

2 THE COURT: Thank you.

3 There -- well, let me turn to the religious belief
4 question. I don't want to put you in a position where you
5 are feeling some pressure because of your spiritual or
6 religious views to make a determination one way or another.

7 Do you think there's a possibility that your personal
8 feelings in that regard might influence your decision
9 making?

10 THE JUROR: Yes.

11 THE COURT: You are excused.

12 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 96

13 COURT OFFICER: Juror Number 96.

14 THE COURT: Mr. Durfee, good afternoon.

15 THE JUROR: Hi. Good afternoon.

16 THE COURT: Did you get a chance to look at that list
17 of witnesses?

18 THE JUROR: Yes, I did.

19 THE COURT: Did you recognize any names?

20 THE JUROR: No, I didn't.

21 THE COURT: We anticipate the trial of this case will
22 last approximately four weeks proceeding from 9:30 in the
23 morning until 4:00 in the afternoon.

24 Bearing in mind that schedule, the importance of the
25 case, and our need for good jurors like you, are you

1 available to help us?

2 THE JUROR: Yeah, I can probably help.

3 THE COURT: All right.

4 THE JUROR: That's a lot of time.

5 THE COURT: It is a lot of time. We realize it's a
6 burden on almost everyone that comes through the door, which
7 is the reason we ask the question. But I take it from your
8 response that you're prepared to make whatever personal
9 adjustments are necessary?

10 THE JUROR: Yes.

11 THE COURT: All right. Thank you.

12 Have you seen or heard anything about the case in any
13 media reports?

14 THE JUROR: Just a little bit in the newspaper. I just
15 recall a little bit of the events, that's about it.

16 THE COURT: Was that a recent report?

17 THE JUROR: No.

18 THE COURT: Can you estimate for us approximately how
19 long ago it was?

20 THE JUROR: Maybe six months, something like that.

21 THE COURT: Is there anything --

22 THE JUROR: Another trial.

23 THE COURT: Was there anything about the content of the
24 report that you think might prevent you from acting as a
25 fair and impartial juror in this case?

1 THE JUROR: None.

2 THE COURT: Have you or any family member ever been the
3 victim of a crime of violence?

4 THE JUROR: No.

5 THE COURT: Did you respond to any of my earlier
6 questions by raising your card?

7 THE JUROR: No.

8 THE COURT: Would you tend to believe or disbelieve the
9 testimony of a police officer as opposed to the testimony of
10 any other witness?

11 THE JUROR: Can you repeat that?

12 THE COURT: Yes.

13 Would you tend to believe or disbelieve the testimony
14 of a police officer as opposed to the testimony of any other
15 witness simply because that witness is employed as a police
16 officer?

17 THE JUROR: No.

18 THE COURT: There may be evidence in this case that one
19 of the co-defendant's, Mr. Hall, had some affiliation with
20 the Hells Angels Motorcycle Club, and that this defendant
21 Mr. Chalue had some affiliation with an organization known
22 as the Aryan Brotherhood.

23 Would that kind of evidence prevent you from acting as
24 a fair and impartial juror?

25 THE JUROR: No.

1 THE COURT: Robert Chadwell, one of the victims in this
2 case was an African American. The defendant is Caucasian.
3 Would those facts prevent you from acting fairly and
4 impartially?

5 THE JUROR: No.

6 THE COURT: The defendant has an absolute right to
7 remain silent. If he exercises that right and does not
8 testify at this trial, would you hold that against him in
9 any way?

10 THE JUROR: No.

11 THE COURT: There may be evidence in this case that the
12 victims' bodies were dismembered. And the jury may be
13 exposed to photographs that some might consider graphic
14 regarding that evidence. If you were to hear and see such
15 evidence, would that evidence prevent you from acting fairly
16 and impartially?

17 THE JUROR: No.

18 THE COURT: Can you think of any other reason, whether
19 I asked about it or not, why you would not be fair and
20 impartial if selected?

21 THE JUROR: No.

22 THE COURT: You have mentioned on your biographical
23 form that you once before sat on a jury in a criminal case.
24 Can you estimate for us approximately how long ago that was?

25 THE JUROR: Three or six years, I can't remember.

1 Maybe three years.

2 THE COURT: Was it here in Hampden County?

3 THE JUROR: It was at the Chicopee --

4 THE COURT: Chicopee District Court?

5 THE JUROR: Yes.

6 THE COURT: And do you recall the nature of the case?

7 THE JUROR: Yes, it was just a scuffle outside of a bar
8 and someone was knifed and --

9 THE COURT: Did the jury reach a verdict in that case?

10 THE JUROR: Yes.

11 THE COURT: What was the verdict?

12 THE JUROR: It was innocent.

13 THE COURT: Was there anything about that experience
14 that you think might affect your ability to be fair and
15 impartial on this case?

16 THE JUROR: No.

17 THE COURT: Thank you. I'm going to ask you to step
18 out in the hallway for just a second.

19 (The juror exited.)

20 THE COURT: I find him indifferent.

21 MR. CAPELESS: Commonwealth is content with this juror
22 Your Honor.

23 (Pause)

24 MR. FRANK: Content.

25 THE COURT: All right. Thank you. If we can bring

1 back Mr. Durfee, please.

2 (The juror entered.)

3 COURT OFFICER: Mr. Durfee, you have been selected to
4 sit as a juror in this case. You're going to be in seat
5 number ten.

6 The trial is actually not going to start until Thursday
7 morning, so the Court Officers will explain to you where you
8 report on Thursday morning at 9:30.

9 In the meantime, please don't discuss the case with
10 anyone or conduct any independent investigation in any way.
11 Please disregard any media reports, and when you arrive on
12 Thursday morning, don't discuss any aspect of this case with
13 the other jurors.

14 With that, Mr. Durfee, thank you for your time and
15 attention today. You are excused until Thursday morning.

16 THE JUROR: You're welcome.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 97

18 COURT OFFICER: Juror Number 97.

19 THE COURT: Mr. Zagrodnik; is that correct?

20 THE JUROR: Yes.

21 THE COURT: Good afternoon.

22 THE JUROR: Hi.

23 THE COURT: Did you have a chance to look at that list
24 of potential witnesses?

25 THE JUROR: Yes.

1 THE COURT: Did you recognize any names?

2 THE JUROR: No.

3 THE COURT: We anticipate that the trial of this case
4 will last approximately four weeks proceeding from 9:30 in
5 the morning until four o'clock in the afternoon.

6 Based on that schedule, the importance of the case and
7 our need for good jurors like you, are you available to help
8 us?

9 THE JUROR: I'm available, but I won't be happy.

10 THE COURT: All right. Well, tell me a little bit
11 about your concern.

12 THE JUROR: I work five different jobs. I work -- I'm
13 a personal care attendant for somebody; I'm a merchandiser;
14 I work for so many different companies and the -- it would
15 be an imposition, but if it had to be, it had to be.

16 THE COURT: Let me ask you this question, would your
17 service on a trial of this time for four weeks cause you a
18 economic hardship?

19 THE JUROR: Yes.

20 THE COURT: You are excused.

21 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 98

22 COURT OFFICER: Juror 98.

23 THE COURT: Ms. Laskowski, good afternoon.

24 THE JUROR: Good afternoon.

25 THE COURT: Did you have a chance to look at that list

1 of witnesses?

2 THE JUROR: Yes, I did.

3 THE COURT: Do you recognize any names?

4 THE JUROR: No, I did not.

5 THE COURT: We anticipate the trial of this case will
6 last approximately four weeks, proceeding from 9:30 in the
7 morning until four o'clock in the afternoon. Bearing in
8 mind that schedule, the importance of this case our need for
9 good jurors like you, are you available to help us?

10 THE JUROR: I wouldn't be possible for me to do it
11 because I have to take care of too many elderly people and
12 too many children.

13 THE COURT: All right. Your biographical form states
14 that you care for elderly and children?

15 THE JUROR: Yes.

16 THE COURT: Do you operate your own business in that
17 regard?

18 THE JUROR: No, I do not. I do not get paid for doing
19 any of that.

20 THE COURT: All right. So the elderly and children you
21 care for are family members?

22 THE JUROR: Yes.

23 THE COURT: And someone else was available to care for
24 them today?

25 THE JUROR: No.

1 THE COURT: So --

2 THE JUROR: I had to leave my nephew with my 80 year
3 old mom and my daughter is home alone.

4 THE COURT: And would it -- would it cause a hardship
5 for your family if you were selected as a juror in this
6 case?

7 THE JUROR: Yes.

8 THE COURT: You are excused.

9 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 99

10 COURT OFFICER: Juror Number 99.

11 THE COURT: Good afternoon, sir. Is it Mr. Ademi; is
12 that correct?

13 THE JUROR: Ademi.

14 THE COURT: Mr. Ademi, did you have a chance to look at
15 that list of witnesses?

16 THE JUROR: Yes, I did.

17 THE COURT: Did you recognize any names?

18 THE JUROR: No.

19 THE COURT: We anticipate the trial of this case will
20 last approximately four weeks, beginning each day at 9:30
21 and ending at approximately four o'clock.

22 Bearing in mind that schedule, and the importance of
23 this case, and our need for good jurors like you, are you
24 available to help us?

25 THE JUROR: Yes.

1 THE COURT: Have you read or heard anything about this
2 case? Any media reports?

3 THE JUROR: No.

4 THE COURT: Have you discussed it with anyone?

5 THE JUROR: No.

6 THE COURT: Did you raise your card in response to any
7 of my earlier questions?

8 THE JUROR: No, I didn't.

9 THE COURT: Have you or any family member ever been the
10 victim of a crime of violence?

11 THE JUROR: No.

12 THE COURT: Would you tend to believe the testimony of
13 a police officer as opposed to the testimony of any other
14 witness, simply because the witness is a police officer?

15 THE JUROR: Yes.

16 THE COURT: You are excused.

17 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 100

18 COURT OFFICER: Juror Number 100.

19 THE COURT: Mr. Bodman, good afternoon.

20 THE JUROR: Hi.

21 THE COURT: Did you have a chance to look at that list
22 of witnesses?

23 THE JUROR: Yes.

24 THE COURT: Did you recognize any names?

25 THE JUROR: No.

1 THE COURT: We anticipate that the trial of this case
2 will last approximately four weeks, proceeding from 9:30 in
3 the morning until 4:00 in the afternoon.

4 Bearing in mind that schedule, the importance of the
5 case and our need for good jurors like you, are you
6 available to help us?

7 THE JUROR: I don't think so.

8 My wife has cancer. I have appointments scheduled in
9 Boston and D'Amour Center here.

10 THE COURT: All right. I take it you are her primary
11 caretaker?

12 THE JUROR: Yes.

13 THE COURT: You are excused. Good luck.

14 THE JUROR: Thank you.

15 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 102

16 COURT OFFICER: Juror Number 102.

17 THE COURT: Ms. Wylie, good afternoon.

18 THE JUROR: Good afternoon.

19 THE COURT: Did you recognize any of the names on the
20 witness list?

21 THE JUROR: No, I did not.

22 THE COURT: We anticipate the trial of this case will
23 last approximately four weeks, proceeding 9:30 in the
24 morning until four o'clock most days.

25 Bearing in mind that schedule, the importance of this

1 case, and our need for good jurors like you, are you
2 available to help us?

3 THE JUROR: Not -- I work in a school. I'm a teacher.

4 THE COURT: All right. I assume someone is standing in
5 for you today?

6 THE JUROR: I'm on vacation, school vacation.

7 THE COURT: And I assume that you -- there are
8 substitutes available?

9 THE JUROR: Yes.

10 THE COURT: Would your service on this jury cause you
11 an economic hardship of any kind?

12 THE JUROR: No.

13 THE COURT: Would you be distracted by your
14 professional responsibilities if you were seated on the
15 jury? In other words, could you devote your attention to
16 what would be happening here in the courtroom?

17 THE JUROR: More or less.

18 THE COURT: Well, it's important that I'm confident in
19 your response. "More or less" doesn't really quite cut it.
20 It would have to be more, rather than less.

21 Do you think could you do that?

22 THE JUROR: Yeah.

23 THE COURT: I don't want to put you in a position where
24 you think you're not going to be able to devote your full
25 attention to this. If the answer is no, I can accept that.

1 Is that your answer?

2 THE JUROR: It is actually.

3 THE COURT: You're excused.

4 THE JUROR: Thank you.

5 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 104

6 COURT OFFICER: Juror Number 104.

7 THE COURT: Ms. Barrett, good afternoon.

8 THE JUROR: Good afternoon.

9 THE COURT: Did you recognize any of the names on that
10 witness list?

11 THE JUROR: No.

12 THE COURT: We anticipate the trial of this case will
13 last approximately four weeks, proceeding each day from 9:30
14 in the morning until 4:00 in the afternoon.

15 Bearing in mind that schedule, the importance of this
16 case, and our need for good jurors like you, are you
17 available to help us?

18 THE JUROR: Not with that schedule. That would be very
19 difficult.

20 THE COURT: All right. Can you explain to me your
21 concern?

22 THE JUROR: I'm a single mother. I'm the sole provider
23 of transportation for my daughter to and from school and
24 things like that.

25 THE COURT: How old is your daughter?

1 THE JUROR: She's nine.

2 THE COURT: You are excused.

3 THE JUROR: Thank you.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 106

5 THE JUROR: Number 106.

6 THE COURT: Good afternoon. Is it Mr. LeFebvre.

7 THE JUROR: LeFebvre.

8 THE COURT: I see that you are a police commissioner in
9 West Springfield?

10 THE JUROR: Yes.

11 THE COURT: Anything about your role in that capacity
12 that you think might cause you to favor one side over the
13 other in this case?

14 THE JUROR: Not necessarily.

15 THE COURT: All right. Well, are you confident of
16 that?

17 THE JUROR: Yeah.

18 THE COURT: The reason I ask the question is because
19 there will be, no doubt, many police officers who testify in
20 this case, and if you thought, as a result of your role,
21 that you would tend to favor the testimony of police
22 officers or disfavor the testimony of police officers, then
23 that would be an important disqualifying factor.

24 Do you think that based upon your personal experience
25 you would tend to believe or disbelieve the testimony of a

1 police officer over other witnesses?

2 THE JUROR: I think I can remain neutral.

3 THE COURT: All right. Did you recognize the names of
4 any witnesses on the witness list?

5 THE JUROR: No, I didn't.

6 THE COURT: We anticipate the trial of this case will
7 last four weeks, proceeding each day from 9:30 in the
8 morning until 4:00 in the afternoon.

9 Bearing in mind that schedule, the importance of the
10 case, and our need for good jurors like you, are you
11 available to help us?

12 THE JUROR: Yeah, if I call -- I suppose. I have my
13 own business. I have -- you know, it's a busy time of year
14 for me, but --

15 THE COURT: All right. Well, ultimately, we would want
16 to select someone for the jury that whatever their
17 profession is they could devote full time and attention to
18 what happens here in the courtroom. Do you think that you
19 would be a distracted by your personal or professional
20 responsibilities if you were seated as a juror for four
21 weeks?

22 THE JUROR: Oh, yeah.

23 THE COURT: You are excused.

24 THE JUROR: Thank you.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 107

1 COURT OFFICER: Juror Number 107.

2 THE COURT: Mr. Wojnilowicz, is that correct?

3 THE JUROR: Yes.

4 THE COURT: Good afternoon, sir.

5 THE JUROR: Good afternoon.

6 THE COURT: Did you recognize any of the witnesses on
7 that list?

8 THE JUROR: No.

9 THE COURT: The trial of this case -- are you able to
10 hear me?

11 THE JUROR: I have a hard time. I'm deaf in one ear.

12 THE COURT: Were you able to hear the questions that I
13 asked earlier?

14 THE JUROR: Some of them I did.

15 THE COURT: Some of them you did not?

16 THE JUROR: Right.

17 THE COURT: I'm concerned that some of the witnesses in
18 this trial may not speak as loudly as I am right now. Do
19 you think that given your hearing impairment it would be
20 difficult for you to hear everything that happens?

21 THE JUROR: I think so because I have a hard time with
22 my consonants F, Hs, Ps, & they all sound the same to me. I
23 hear noises, but I can't determine what the words are.

24 THE COURT: All right. Thank you. You are excused.

25 THE JUROR: Thank you very much.

1 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 108

2 COURT OFFICER: Juror Number 108.

3 THE COURT: Mr. Boliski, good afternoon.

4 THE JUROR: Hi.

5 THE COURT: Did you have an opportunity to review that
6 list of witnesses?

7 THE JUROR: I did.

8 THE COURT: Did you recognize any names?

9 THE JUROR: No, I did not.

10 THE COURT: We anticipate the trial of this case will
11 last four weeks, proceeding each day from 9:30 until four
12 o'clock.

13 Bearing in mind that schedule, the importance of the
14 case, and our need for good jurors like you, are you
15 available to help us?

16 THE JUROR: I don't think so.

17 THE COURT: Why is that?

18 THE JUROR: Because I'm almost, basically, a single
19 dad. I don't have that much time to miss that much work to
20 do that.

21 THE COURT: Would it cause you an economic hardship?

22 THE JUROR: Yes, it would.

23 THE COURT: Thank you. You are excused.

24 THE JUROR: Thank you.

25 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 109

1 COURT OFFICER: Juror Number 109.

2 THE COURT: Ms. Jacinto, good afternoon.

3 THE JUROR: Good afternoon.

4 THE COURT: Did you recognize any of the names on the
5 witness list?

6 THE JUROR: No, Your Honor.

7 THE COURT: We anticipate this case will take
8 approximately four weeks to complete, proceeding each day
9 from 9:30 until four o'clock.

10 Bearing in mind that schedule, the importance of this
11 case, and our need for good jurors like you, are you
12 available to help us?

13 THE JUROR: Yes.

14 THE COURT: Have you seen or heard anything about this
15 case in any media reports?

16 THE JUROR: No.

17 THE COURT: Have you discussed it with anyone?

18 THE JUROR: No.

19 THE COURT: Did you respond to any of my earlier
20 questions by raising your card?

21 THE JUROR: No.

22 THE COURT: Have you or any family member ever been the
23 victim of a crime of violence?

24 THE JUROR: No.

25 THE COURT: Would you believe or disbelieve the

1 testimony of a police officer just because that witness is
2 employed as a police officer?

3 THE JUROR: No.

4 THE COURT: There may be evidence in this case that one
5 of the co-defendants, Mr. Hall, had some affiliation with
6 the Hells Angels Motorcycle Club and this defendant, Mr.
7 Chalue, had some affiliation with an organization known as
8 the Aryan Brotherhood.

9 Would that evidence, should you hear it, interfere with
10 your ability to be fair and impartial?

11 THE JUROR: No.

12 THE COURT: Robert Chadwell, one of the victims in this
13 case, was African American. The defendant is Caucasian.
14 Would those facts interfere with your ability to be fair and
15 impartial?

16 THE JUROR: No.

17 THE COURT: The defendant has an absolute right to
18 remain silent. If he exercises that right and does not
19 testify in this trial, would you hold that against him?

20 THE JUROR: I'm sorry. Can you repeat the question?

21 THE COURT: Yes. Mr. Chalue, the defendant, has a
22 constitutional right to remain silent at his own trial.

23 If he exercises that right and chooses not to testify,
24 would you hold that against him in any way?

25 THE JUROR: Yes.

1 THE COURT: You would?

2 THE JUROR: (Indicating)

3 THE COURT: You are excused.

4 VOIR DIRE EXAMINATION OF PROSPECTIVE JUROR NUMBER 111

5 COURT OFFICER: Juror Number 111.

6 THE COURT: Ms. Monserrat, good afternoon.

7 THE JUROR: Good afternoon.

8 THE COURT: Did you have a chance to look at that list
9 of witnesses?

10 THE JUROR: Yes.

11 THE COURT: Did you recognize any names?

12 THE JUROR: No.

13 THE COURT: We anticipate the trial of this case will
14 last approximately four weeks, proceeding each day from 9:30
15 in the morning until four o'clock in the afternoon.

16 Bearing in mind that schedule, the importance of this
17 case, and our need for good jurors like you, are you
18 available to help us?

19 THE JUROR: Well, I work in a school as a teacher aide,
20 but --

21 THE COURT: You are a teacher's aide? So the classes
22 would go on even if you were not present?

23 THE JUROR: Yes.

24 THE COURT: Would your absence from work cause you any
25 economic hardship that you think would distract you?

1 THE JUROR: Probably. I have a daughter in college and
2 all of that.

3 THE COURT: All right. And are you telling me that you
4 would -- your employer would not pay you?

5 THE JUROR: I'm not sure how they handle this. I'm not
6 sure.

7 THE COURT: I see that your uncle is a police officer
8 in Puerto Rico?

9 THE JUROR: Yes.

10 THE COURT: Do you believe -- well, would your
11 relationship with your uncle cause to you favor one side
12 over the other in this case?

13 THE JUROR: I don't think so.

14 THE COURT: Would you tend to believe the testimony of
15 a police officer over other witnesses?

16 THE JUROR: Not necessarily, I need to listen to both
17 sides.

18 THE COURT: All right. Have you or any member of your
19 family ever been the victim of a crime of violence?

20 THE JUROR: No.

21 THE COURT: I know we already talked about your uncle
22 in Puerto Rico, was there any other question you responded
23 to?

24 THE JUROR: No.

25 THE COURT: All right. There may be evidence in this

1 case that one of the defendants, Mr. Hall, had some
2 affiliation with the Hells Angels Motorcycle Club and that
3 this defendant, Mr. Chalue, had some affiliation with an
4 organization known as the Aryan Brotherhood.

5 Would that evidence interfere with your ability to
6 remain a fair and impartial juror?

7 THE JUROR: No.

8 THE COURT: Robert Chadwell, one of the victims in this
9 case, was African American. The defendant, Mr. Chalue, is
10 Caucasian. Would those facts interfere with your ability to
11 be fair and impartial?

12 THE JUROR: No.

13 THE COURT: Mr. Chalue has a right to remain silent.
14 If he chooses to exercise that right and does not testify in
15 this trial, would you hold that against him in any way?

16 THE JUROR: No.

17 THE COURT: There may be evidence in this case that the
18 bodies of the victims were dismembered and the jury may see
19 photographs that are graphic in nature. If you were to hear
20 and see such evidence, would that prevent you from acting as
21 a fair and impartial juror?

22 THE JUROR: I don't think so.

23 THE COURT: All right. Is there any other reason why
24 you would not be fair and impartial if you were selected --
25 whether I asked about it or not?

1 THE JUROR: No, I don't think so.

2 THE COURT: All right. All right. I'm going to ask
3 you to stand in the hallway for just a moment.

4 THE JUROR: Sure.

5 (The juror exited.)

6 THE COURT: I find her indifferent.

7 MR. CAPELESS: The Commonwealth is content with this
8 juror, Your Honor.

9 MR. FRANK: Judge, it may be that the day is getting
10 late. I didn't hear any questions regarding the restraining
11 order and the serving as a juror.

12 THE COURT: All right. You are correct. I failed to
13 ask those questions. Before I bring her back in, is there
14 anything else you would like me to ask her?

15 MR. FRANK: The other problem is I don't recall if she
16 would believe the testimony of a police officer.

17 THE COURT: I did ask that.

18 MR. FRANK: Okay.

19 (The juror entered.)

20 THE COURT: Ms. Monserrat, I'm sorry, but I neglected
21 to ask you a couple of questions from your biographical form
22 on which you disclose that you served as a juror once
23 previously.

24 THE JUROR: It was in the federal court.

25 THE COURT: In federal court?

1 THE JUROR: Yes.

2 THE COURT: Here in Springfield?

3 THE JUROR: Yes.

4 THE COURT: Was it a criminal case? Was the person
5 charged with a crime, do you know?

6 THE JUROR: Yes, it was, but it wasn't like murder or
7 anything like that. It was something different.

8 THE COURT: And did the jury reach a verdict in that
9 case?

10 THE JUROR: Yes.

11 THE COURT: What was the verdict?

12 THE JUROR: It was guilty.

13 THE COURT: All right. Was there anything about that
14 experience that you think might affect your ability to be a
15 fair juror in this case?

16 THE JUROR: I don't think so. It was something
17 completely different.

18 THE COURT: All right. You also made reference to a
19 restraining order. Was that a restraining order you sought
20 against someone else?

21 THE JUROR: My ex-husband.

22 THE COURT: Was the restraining order issued?

23 THE JUROR: Yes.

24 THE COURT: Was there anything about that experience
25 with the court system that you think might affect your

1 ability to be a fair and impartial juror?

2 THE JUROR: No.

3 THE COURT: Thank you. I'm going to ask you to step
4 out one more time.

5 (The juror exited.)

6 THE COURT: Again, I find her indifferent.

7 MR. CAPELESS: The Commonwealth remains content with
8 this jurors, Your Honor.

9 THE COURT: Thank you. Mr. Frank?

10 MR. FRANK: We'd exercise a preemptory, Your Honor.

11 THE COURT: All right. Very well.

12 (The juror entered.)

13 THE COURT: Ms. Monserrat, thank you for your service.
14 You are excused.

15 THE JUROR: Okay. Thank you.

16 (The juror exited.)

17 THE COURT: Mr. Curtis, I take it we have no more
18 jurors?

19 COURT OFFICER: There's no more jurors today, Your
20 Honor.

21 THE COURT: Ms. Capeless, we now have ten; is that
22 correct?

23 THE CLERK: That's correct, Your Honor.

24 THE COURT: All right. Let's revisit this issue of the
25 schedule of the case later this week.

1 I'm of two minds, actually. I'm sympathetic with the
2 fact that many people involved in the case would like to
3 attend the service. However, I'm also mindful in a case of
4 four week's duration it's important to push forward if at
5 all possible. So what I'm inclined to suggest,
6 Mr. Capeless, is that we go forward with aspects of the case
7 that are ready to go, which would obviously include my
8 precharge, opening statements and whatever evidence you're
9 able to put on.

10 Is there a reason not to proceed in that fashion?

11 MR. CAPELESS: Yes, because of the family. As opposed
12 to, you know, witnesses who might be family members or
13 friends who would be attending the service, the family
14 members would not be able to attend the opening of the trial
15 and that is my concern.

16 THE COURT: All right. I am sympathetic to that. My
17 recollection is, and I may be wrong about this, but my
18 recollection is that those family members did not attend the
19 entirety of the last trial; is that correct?

20 MR. CAPELESS: They were here pretty much every day.

21 THE COURT: All right. I stand corrected.

22 MR. CAPELESS: They were here for a lot of it. I can't
23 say every day, a lot.

24 THE COURT: But you're communicating to me it is their
25 desire to be here for the opening statements and the initial

1 presentation?

2 MR. CAPELESS: That is, Your Honor.

3 THE COURT: Mr. Frank, do you wish to be heard on what
4 is Mr. Capeless' motion to continue the trial for a day so
5 that the evidence could start on Friday?

6 MR. FRANK: Judge, my client is very anxious to get
7 this moving and we would like to move forward as
8 expeditiously as possible.

9 THE COURT: Despite the fact that you today moved to
10 continue the entire trial?

11 MR. FRANK: For the absence of -- because I don't have
12 certain evidence, Your Honor, not because my client's family
13 can't make it, et cetera.

14 THE COURT: I think that the motion to continue, which
15 I denied, does undercut to some extent the concern that you
16 expressed over a one-day delay, so I'm going to, given the
17 unexpected nature of the memorial service and funeral, and
18 the desire of the family members who would like to be here
19 for the beginning of the trial, I'm going to allow the
20 Commonwealth's request for what is a temporary delay which
21 will mean, of course, Mr. Curtis that we're going to have to
22 contact those witnesses -- I'm sorry, those jurors who have
23 been selected, to inform them that their obligation now is
24 to return on Friday morning at 9:30, rather than Thursday.

25 Anything else that we can take up today?

1 I do anticipate that we should complete the jury
2 selection process tomorrow, Mr. Capeless.

3 Any logistical concerns or other matter that you think
4 we should address today?

5 MR. CAPELESS: I would just inform the Court that I
6 filed with the Clerk today, this afternoon at two o'clock, a
7 memorandum regarding -- it would be, basically, in the form
8 of say a motion in limine regarding statements of the
9 defendant. Commonwealth is intending to offer them in its
10 case in chief from the previous hearing.

11 I obviously don't intend to argue it now, counsel had
12 just been given a copy of it. I just want to let the Court
13 be aware of it.

14 THE COURT: I have it before me. I have not read it,
15 but what I understand is that it refers to alleged
16 statements by the defendant that would be offered through
17 cooperating witnesses Letalien and Cashman?

18 MR. CAPELESS: No, Your Honor, this relates to his
19 testimony -- the defendant's testimony at the pretrial
20 hearing regarding the searches of the cells in which he
21 testified that, on cross-examination, that he had made the
22 notes that were on the so-called novel, that various notes,
23 specifically the notes about the rats, and that he wrote the
24 kite. And that the Commonwealth would intend to introduce
25 that in its case in chief.

1 THE COURT: Well, I am at somewhat of a disadvantage
2 not having read it. In what format -- as I'm thinking out
3 loud now -- in what format would you be offering those
4 statements? In other words, through what witness or what
5 vehicle would you communicate that to the jury?

6 MR. CAPELESS: A witness who was present in the
7 courtroom and heard them.

8 THE COURT: All right. And have you selected that
9 witness as of yet?

10 MR. CAPELESS: Yes.

11 THE COURT: And that would be?

12 MR. CAPELESS: That would be Investigator Briggs.

13 THE COURT: All right.

14 MR. CAPELESS: Or it could be Lieutenant Foley for
15 that. Lieutenant Foley was sequestered for that.

16 THE COURT: I'm on notice. Mr. Frank is on notice.
17 And we will deal with this at appropriate time.

18 Mr. Frank, anything on behalf of the defendant?

19 MR. FRANK: Yes, Judge. There are several -- there are
20 several ex parte motions.

21 THE COURT: I will act on those.

22 I think there was a typographical error in one, the
23 number was 500, but it contained a comma between the five
24 and the zero, which led me to believe you meant to
25 communicate 5,000.

1 MR. FRANK: Is that on the investigator?

2 THE COURT: Yes.

3 MR. FRANK: That is 5,000. Thank you.

4 And, by the way, on the other fee motion I asked for
5 750 and 500 will take care of that.

6 I think we have actually spoken to that.

7 THE COURT: I will act on those this afternoon.

8 MR. FRANK: Thank you.

9 And there is a second motion, Your Honor, which we
10 discussed briefly at the beginning of the day regarding
11 obtaining information from state actors, at this point from
12 state actors in regards to the polygraph test.

13 THE COURT: All right. Well, we have a minute, what I
14 understood the request to be, was for discovery of any
15 statements of Mr. Chalue's in the possession of the
16 Commonwealth related to the administration of the polygraph
17 examination; is that correct?

18 MR. FRANK: Mr. Cashman, but yes.

19 THE COURT: All right.

20 MR. FRANK: You said Mr. Chalue. It's Mr. Cashman.

21 THE COURT: I meant Mr. Cashman, I'm sorry.

22 MR. FRANK: I understand.

23 THE COURT: Are there any such statements,
24 Mr. Capeless?

25 MR. CAPELESS: There are are no such statements that we

1 are in possession of.

2 As I read the motion, the defendant is asking the
3 Commonwealth to create reports or statements, which I don't
4 think that, quite frankly, the Court has the authority to
5 order it to do. If we have them, I would turn them over.
6 Any statements that we have, I will turn over.

7 THE COURT: And of course, obviously --

8 MR. CAPELESS: Or reports relating to statements.

9 THE COURT: And, of course, the Commonwealth has a
10 continuing duty to disclose any exculpatory information or
11 other impeachment information.

12 I'm not inclined, and I don't think I ever have
13 required the Commonwealth to produce reports that are not
14 pre-existing.

15 Mr. Frank, do you wish to be heard further?

16 MR. FRANK: Yes. In support of the motion, Your Honor,
17 I've attached a polygraph exam, what the officer -- some
18 officer administering the test, I believe, states that there
19 is a concern that Mr. Cashman is -- I'm sorry. I don't have
20 the exact language, but somehow going to sabotage or hurt --
21 help the defendant or something along those lines.

22 That indicates to me there has been some conversation
23 between an actor who knows enough about the case and I would
24 suggest that's only state actors or state agents who know
25 enough about the case to be concerned about Mr. Chalue.

1 And I would suggest also that if it's exculpatory, they
2 don't get around providing me a statement of that by saying
3 we have a written report. If it's exculpatory and it causes
4 them to be concerned that Mr. Cashman is going to sabotage
5 the case, I'm entitled to have a report drafted, if that's
6 what it is.

7 THE COURT: Well, I think that Mr. Capeless will agree
8 that if it was exculpatory he would have to communicate that
9 to you, whether it preexisted or not.

10 The motion is taken under advisement.

11 Anything else that we should take up today?

12 MR. FRANK: That's what I have, Your Honor. Thank you.

13 THE COURT: All right. See you tomorrow morning at
14 nine o'clock.

15 MR. FRANK: Judge, I'm sorry, I know we're off record,
16 there is also motion regarding clothing allowance and --

17 THE COURT: Among the motions I have?

18 MR. FRANK: Among the motions and delivery of clothes.
19 I think I can do that through the state.

20 THE COURT: All right. Thank you.

21 MR. FRANK: Thank you.

22 (The Court exited at 3:11 p.m.)

23 (* * * * *)
24
25

C E R T I F I C A T I O N

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Dated: December 15, 2014

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